

Washington, Saturday, November 5, 1955

TITLE 7-AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 230]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.750 Grapefruit Regulation 230-(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 7, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 7, 1955; the recommendation and supporting information for continued

regulation subsequent to November C. 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 1, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were af-forded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) During the period beginning at 12:01 a.m., e. s. t., November 7, 1955, and ending at 12:01 a.m., e. s. t., November 21, 1955, no handler shall ship:

 (i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in

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the revised United States Standards for Florida Grapefruit (7 CFR 51.750-51.790) and the term "mature" shall have the same meaning as set forth in § 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by § 601.17 (Chapters 25149 and 28090) and also by § 601.18, as amended on June 2, 1955 (Chapter 29760)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November_3, 1955.

[SEAL] S. R. SMITH,

Director Fruit and Vegetable

Division, Agricultural Marketing Service.

[F. R. Doc. 55-8971; Filed, Nov. 4, 1955; 8:52 a. m.]

[Orange Reg. 284]

Part 933—Oranges, Grapefruit, and Tangerines Grown in Florida

LIMITATION OF SHIPMENTS

§ 933.751 Orange Regulation 284-(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangermes grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as heremafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237; 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 7, 1955. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 7, 1955; the recommendation and supporting information for continued regulation subsequent to November 6, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 1, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforecald recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) Order (1) During the period beginning at 12:01 a. m., e. s. t., November 7, 1955, and ending at 12:01 a. m., e. s. t., November 21, 1955, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 21016 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186, 20 F. R. 7205) Provided, That in determining the percentage of oranges in any lot which are smaller than 21% inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 211/10 inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," and "standard pack," shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186, 20 F. R. 7205)

(Sec. 5. 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 2, 1955.

[SEAL] S. R. SLUTH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F. R. Doc. 55-8964; Filed, Nov. 4, 1935; 8:50 a. m.]

[Tangerine Reg. 161]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.752 Tangerine Regulation 161—
(a) Findings. (1) Pursuant to the

marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237; 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 7, 1955. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grade and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 7, 1955; the recommendation and supporting information for continued regulation subsequent to November 6, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 1, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee. and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act. to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) Order. (1) During the period heginning at 12:01 a.m., e. s. t., November 7, 1955, and ending at 12:01 a.m., e. s. t., November 21, 1955, no handler shall ship:

 Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the re-

quirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$ inches; capacity 1,726 cubic inches)

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (7 CFR 51.1810-51.1836)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 2, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Marketing Service.

[F. R. Doc. 55-8965; Filed, Nov. 4, 1955; 8:50 a. m.]

[Lemon Reg. 614]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953,721 Lemon Regulation 614—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F R. 7175; 20 F R. 2913) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237. 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administra-

tive Committee on November 2, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) Order (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P s. t., November 6, 1955, and ending at 12:01 a. m., P s. t., November 13, 1955, is hereby fixed as follows:

(i) District 1. Unlimited movement; (ii) District 2: 153,450 cartons;

(iii) District 3: Unlimited movement.
(2) As used in this section, "handled,"
"District 1," "District 2," and "District
3" shall have the same meaning as when
used in the said amended marketing
agreement and order and "carton" shall
mean a container having a capacity
equal to one-half the standard lemon
box described in said amended marketing agreement and order as having inside dimensions 10 inches in depth, 13
inches in width, and 25% inches in
length.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C. 608c)

Dated: November 3, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Marketing Service.

[F. R. Doc. 55-8985; Filed, Nov. 4, 1955;

[Avocado Order 11]

PART 969—Avocados Grown in South Florida

MATURITY REGULATION

§ 969.311 Avocado Order Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F R. 4177) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the

public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237. 5 U.S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 7, 1955. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until November 1, 1955; determinations as to the time of maturity of the varieties of avocados covered by this section were made at the meeting of said committee on November 1, 1955, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulations was submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) Order (1) After the effective time of this section, no handler shall handle any variety of avocados listed in Column 1 of the following table prior to 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 2 of such table;

(2) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 2 of such table and 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 or is of at least the diameter, if any, specified for such variety in said Column 3;

(3) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 4 of such table and 12:01 a. m., e. s. t., of the date, if any, listed for the respective variety in Column 6 of such table, no handler shall handle any avocados unless the in-

If no date or weight, as the case may be, is specified in the particular column, the variety may be handled free of such date or weight restrictions.

dividual fruit weighs at least the ounces specified, if any, for the respective variety in Column 5 or is of at least the diameter, if any, specified for such variety in said Column 5;

(4) During the period from 12:01 a. m., e. s. t., of the date, if any, listed for the respective variety in Column 6 of such table and 12:01 a. m., e. s. t., of the date, if any, listed for the respective variety in Column 8 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified, if any, for the respective variety in Column 7 or is of at least the diameter, if any, specified for such variety in said Column 7.

(5) Notwithstanding the provisions of subparagraphs (1) through (4) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: Provided, That such avocados weigh not more than two ounces less than the applicable specified weight, if any, for the particular variety in Column 3, 5, or 7 of such table. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual contamer in a lot:

V ar <u>i</u> et y	Date	Minimum weight or diameter	Date	Minimum weight or diameter	weight or Dato		Date
(1)	(2)	(3)	(4)	(5)	(6)	ო	(5)
Lula	Nov7, 1955	14 oz 346 m.	Nov. 14, 1955	11 ez	Dec. 12, 1935		
Booth 7	Nov. 7, 1955	10 oz 31/6 m.	Nov. 21, 1955	21%6 in.			
Hickson		10 oz 21 % o in.	Nov. 14, 1955	9 oz 213/16 in.	Dec. 5, 1955		
Collinson	Nov. 7, 1955	14 oz 351c m.	Nov. 14, 1955	10 oz 31/10 in.	Dec. 5, 1955		
Hall		16 oz 3% o un.	Nov. 21, 1955	14 oz 3%fc in.	Dec. 19, 1955		***********
Herman		16 oz 3%c m.	Nov. 14, 1955	14 oz: 371a in.	Nov. 23, 1955	10 ez 3}ío ln.	Dec. 19, 1955
Winslowson]	16 oz 312/16 m.	Dec. 5, 1955	10 oz 33íc in.	Dec. 28, 1955	*********	
Monroe	Nov. 21, 1955 Nov. 21, 1955	24 oz	Dec. 5, 1955 Dec. 5, 1955	20 cz	Dec. 19, 1955 Dec. 19, 1955	14 ez	Jan. 2, 1076
Choquette	Nov. 21, 1955	24 oz	Dec. 5, 1955	20 oz	Dec. 19, 1935	14 cz	Jan. 2, 10:3
Wagner	1	12 oz	Jan. 2, 1956	10 oz	Jan. 16, 1956	6 oz	Jan. 2, 1073 Jan. 2, 1073 Jan. 20, 1933
Booth 3	· ·	16 oz 31%c in.	Nov. 4, 1955	14 oz 3916 in.	Nov. 28, 1955	10 cz 33 fo in.	Bec. 12, 1975
Booth 1		16 oz 311/16 in.	Dec. 5, 1955	14 oz 3%s in.	Dec. 19, 1955	10 oz 356 in.	Jan. 2, 1819
Taylor	1	14 oz 3516 in.	Nov. 28, 1955	12 oz 331a in.	Dec. 9,1935	9 oz. 2131e in.	Jan. 2,1013
Booth 5	1	14 oz 3% in.	Nov. 14, 1955	10 oz 3%6 in.	Dec. 12,1935		•••••
Nelson	l	14 oz 3%s in.	Nov. 21, 1955	10 oz 331c in.	Dec. 19,1935		•••••
Booth 10	Nov. 7,1955 Nov. 7,1955	16 oz	Nov. 14, 1955	14 oz	Nov. 23, 1035	10 cz	Dec. 20,1915
Booth 11	Nov. 7, 1955	16 oz	Nov. 14, 1955	14 oz	Nov. 28, 1835 Dec. 6, 1935	10 ¢z	Doc. 20, 1935
Ajax	1	18 oz 3151c in.	Nov. 21, 1955	15 oz	Dec. 6, 1935	11 ez 351e in.	Dec. 23,1935 Dec. 23,1935 Dec. 23,1935
Booth 7-B	1	18 oz 31% in.	Nov. 21, 1955	319% in. 15 ez. 319% in.	Dec. 5,1955	11 oz 351e in.	Dec. 28,1935
Dunedin	1	16 oz 356 in.	Nov. 28, 1955	14 oz 358 in.	Dec. 12,1935	10 oz 3 in.	Dec. 28,1935
Blakeman	Nov. 21, 1955	14 oz	Dec. 5, 1955	12 oz	Dec. 19,1935	10 GZ	Jan. 2,1019 Jan. 10,1039
Linda	Dec. 5, 1955	18 oz	Dec. 19.1955	16 oz	Jan. 2,1006	12 oz	Jan. 16,1006
Vaca	Nov. 7, 1955	8 oz 3 m.	Nov. 21, 1955				
Sherman	Nov. 7.1955	8 oz	Nov. 21, 1955 Nov. 21, 1955				
Black Prince	Nov. 7,1955 Nov. 7,1955	8 oz	Nov. 21, 1955				
Collinred	NOV. 7, 1955	8 oz					
Pumpkin	Nov. 7, 1955	32 oz	Nov. 21, 1935				
Blair	Nov. 7, 1955	14 oz	Nov. 14, 1955 Nov. 21, 1955 Nov. 21, 1955	8 oz 12 oz	Dec. 12, 1935		
Rue	Nov. 7, 1955 Nov. 7, 1955	16 oz	Nov. 21, 1955	12 oz	Dec. 19, 1935		
Avon	Nov. 7, 1955	7 oz	Nov. 21, 1955				
Yon	Nov. 7, 1955	28 oz	Dec. 26 1955				
Byars No. 1	Dec. 5, 1955	16 oz	Dec. 19, 1935	14 oz	Jan. 2,1956	8 ez	Jan. 10,1273
Nabal	Dec. 12, 1955	14 oz 336 in.	Dec. 26, 1955	12 oz 338 in.	Jan. 2,1956 Jan. 9,1956	7 0z 3 ln.	Jan. 10,1973 Jan. 23,1073
Eagle Rock	Jan. 2,1956	16 oz	Jan. 16, 1956	14 oz	Jan. 20,1936		
Colla	Jan. 16 1956	14 oz	Jan. 30, 1956	12 oz	Feb. 13, 1959		
Schmidt	Jan. 30, 1956	16 oz	Feb. 13, 1956	14 oz	Feb. 27, 1959		
McDonald	Feb. 13, 1956						
Itzamna	Feb. 27, 1956						
	1				l l	<u> </u>	

- (6) The provisions of paragraph (b) (2) and (3) of Avocado Order 6 (§ 969.306; 20 F. R. 3427) shall not apply to the varieties of avocados named in the foregoing table, nor to the Trapp, Waldin, Tonnage, Booth 8, Nesbitt, Calusa, Petersen, Edmunds, Pinelli, Fairchild, Nirody, and Simpson varieties; and
- (7) As used in this section, the term "diameter" means the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.
- ¹If no date or weight, as the case may be, is specified in the particular column, the variety may be handled free of such date or weight restrictions.

- (c) Termination of Avocado Order 10, as amended. The provisions of Avocado Order 10, as amended (20 F R. 6699, 20 F. R. 7876) are hereby terminated effective as of the effective time of this order.
- tive as of the effective time of this order.
 (d) Effective time. The provisions of this section shall become effective at 12:01 a. m., e. s. t., November 7, 1955.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C. 608c)

Dated: November 2, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Marketing Service.

[F. R. Doc. 55-8966; Filed, Nov. 4, 1935; 8:50 a.m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESTICIDE CHELICALS; FURTHER EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

A request has been received for additional extension of the date when the statutes (68 Stat. 511 et seq., 21 U. S. C. 342, 346a) shall become fully effective for captan for post-harvest treatment of potators.

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (2) 403, 68 Stat. 511, 517 (Ch. 559, Secs. 2, 5) 21 U. S. C. 342 (a) and note 1 under section 342; 346a) and designated to the Commissioner of Food and Drugs by the Secretary (20 F R. 1996), I find that additional extension is necessary for this use of captan, and the following order is promulgated:

Section 3.44 Pesticide chemicals; further extended dates on which statute shall become fully effective, published in the Federal Register of October 29, 1955 (20 F. R. 8156) is amended by inserting in paragraph (a) (2), in proper alphabetical order, the following item:

Captan: Post-harvest use on potatoes.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 402, 403, 63 Stat. 511; 21 U. S. C. 342, 346a)

Dated: October 28, 1955.

[SEAL]

JOHN L. HARVEY, Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-8942; Filed, Nov. 4, 1955; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53935]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 30-FOREIGN-TRADE ZONES

WITHDRAWAL OF SUPPLIES FOR FISHING VESSELS

It has been found necessary to amend §§ 10.59 and 10.60 of the Customs Regulations to describe those vessels employed in the fisheries which are entitled to withdraw articles free of duty and mternal-revenue tax under section 309 (a) of the Tariff Act of 1930, as amended, and to require a withdrawal of distilled spirits (including alcohol) wines, or beer under section 309 (a) for lading as supplies on any such vessels to be supported by a special application and bond wherein the applicant shall agree to have certain steps taken upon the vessel's return to port to help prevent the landing of any of the articles in violation of the law or, in default of such action, to pay an amount equal to the duties and any

articles.

It is also necessary to amend § 30.16 of the Customs Regulations to provide that the pertinent provisions of §§ 10.59 to 10.65, inclusive, of the Customs Regulations shall be applicable to any article laden in a foreign-trade zone on a vessel or aircraft for which exemption from duty and internal-revenue tax is claimed under section 309 or 317 of the Tariff Act of 1930, as amended.

Accordingly, the Customs Regulations are hereby amended as follows:

- 1. Section 10.59 is amended by deleting the parenthetical matter at the end of paragraph (c) and by the insertion of a new paragraph (d) reading as follows:
- (d) Vessels of the United States documented to engage in the fisheries and foreign fishing vessels of 5 net tons or over may be allowed to withdraw distilled spirits (including alcohol) wines, and beer conditionally free under section 309 of the Tariff Act of 1930, as amended, if the collector is satisfied from the quantity requested, in the light of (1) whether the vessel is employed in substantially continuous fishing activi-ties, and (2) the vessel's complement, that none of the withdrawn articles is intended to be removed from the vessel m, or otherwise returned to, the United States without the payment of duty or tax. Such withdrawal shall be permitted only after the approval by the collector of a special written application, in duplicate, on customs Form 5125, of the withdrawer, supported by a bond on customs Form 7603 executed by the withdrawer. Such application shall be filed with customs Form 7506 or 7512,57 as the case may be. The original application, after approval, shall be stamped with the withdrawal number and date thereof and shall be returned to the withdrawer for use as prescribed below. Approval of each such application shall be subject to the condition that the original shall be presented thereafter by the withdrawer or the vessel's master to the collector within 24 hours (excluding any period during which the customhouse is not open for general customs business) after each subsequent arrival of the vessel at a customs port or station and that an accounting shall be made at the time of such presentation of the disposition of the articles until the collector is satisfied that all of them have been consumed on board, or landed under customs supervision, and takes up the authorization. The approval shall be subject to the further conditions that any such withdrawn article remaining on board while the vessel is in port shall be safeguarded in the manner and to such extent as the collector for the port or place of arrival shall deem necessary and that

upon which a conditionally free withdrawal is approved shall subject the total quantity of withdrawn articles to the assessment and collection of an amount equal to the duties and taxes that would have been assessed on the entire quantity of supplies withdrawn had such supplies been regularly entered, or withdrawn, for consumption.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22. 19 U. S. C. 16, 1624. Interprets or applies sec. 309, 46 Stat. 690, as amended; 19 U.S.C.

- 2. Section 10.60 is amended by redesignating paragraph (g) as paragraph (h) by substituting "(h)" for "(g)" in the last sentence of paragraph (a) and in the first and second sentences of paragraph (f) and by inserting a new paragraph (g) to read as follows:
- (g) A withdrawal under section 10.59 (d) shall be supported by a bond on customs Form 7603 in lieu of any other bond. (Sec. 309, 46 Stat. 690, as amended; 19 Ù. S. C. 1309)
- 3. Section 30.16 (b) of the Customs Regulations is amended by deleting the period at the end of the first sentence and adding "and, in addition, the pertinent provisions of §§ 10.59 to 10.65, inclusive, of this chapter shall also apply as though the article were being withdrawn in customs territory from continuous customs custody elsewhere than in a bonded warehouse for such lading.'

(R. S. 161, 251, secs. 1-21, 48 Stat. 998, 999, as amended, 1000-1003, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 81a-81n 1624. Interprets or applies sec. 309, 46 Stat. 690, as amended; 19 U.S. C. 1309)

Notice of the proposed issuance of the foregoing amendments of the Customs Regulations was published in the Federal REGISTER on July 28, 1955 (20 F. R. 5392) pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) After full consideration of data and views submitted, it has been decided to adopt the amendments as set forth above.

In view of the fact that the adoption of these amendments will result in a liberalization of the conditions under which free withdrawals of distilled spirits (including alcohol) wines, and beer may be permitted under section 309 (a) of the Tariff Act of 1930, as amended, for lading on fishing vessels, the delayed effective date provision of section 4 (c) of the Administrative Procedure Act (5 U.S. C. 1003 (c)) is being dispensed with. Accordingly, the amendments shall become effective upon publication in the FEDERAL REGISTER.

It is expected that new customs Form 5125, entitled "Application for Conditionally-Free Withdrawal of Distilled Spirits (Including Alcohol) Wines, or Beer for Supplies of Fishing Vessel," and new customs Form 7603 entitled "Bond for Conditionally-Free Withdrawal of Distilled Spirits (Including Alcohol) Wines, or Beer, For Supplies of Fishing Vessel," prescribed for use herein, will be printed and available for use within 90 days. Pending the printing thereof, collectors of customs are authorized to reproduce the forms or specimen copies

taxes on the total quantity of withdrawn failure to comply with the conditions may be obtained from collectors and reproduced by interested parties.

> RALPH KELLY, [SEAL] Commissioner of Customs.

Approved: October 31, 1955.

DAVID W KENDALL, Acting Secretary of the Treasury.

[F R. Doc. 55-8956; Filed, Nov. 4, 1955; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Homo Finance Agency

Subchapter C-Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 225-SERVICEMEN'S MORTGAGE IN-SURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

MAXIMUM MORTGAGE AMOUNT: RATIO OF LOAN-TO-VALUE LIMITATION

Section 225.4 is amended to read as follows:

§ 225.4 Maximum mortgage amount; ratio of loan-to-value limitation. The mortgage shall be in an amount not to exceed 95 percent of the appraised value of the property as of the date the mortgage is accepted for insurance.

(Sec. 211, 52 Stat. 23; 12 U.S. C. 1715b)

Issued at Washington, D. C., November 3, 1955.

NORMAN P MASON, [SEAL] Federal Housing Commissioner

[F R. Doc. 55-8983; Filed, Nov. 3, 1955; 2:44 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B-Claims and Accounts

PART 533-GRATUITY UPON DEATH MISCELLANEOUS AMENDMENTS

Sections 533.6 and 533.7 are redesignated §§ 533.15 and 533.16, respectively, and §§ 533.1, 533.2, 533.3, 533.5 and 533.8 are revoked and the following substituted therefor:

§ 533.1 General—(a) Scope. Sections 533.1 to 533.12 set forth the authority and prescribe the procedure for making payment of the 6 months' death gratuity to beneficiaries of deceased military personnel.

(b) Statutory authority. The statutory authority upon which the regula-tions in §§ 533.1 to 533.12 are based are:

(1) Section 1, act December 17, 1919 (41 Stat. 367), as amended by section 1, act December 17, 1943, (57 Stat. 599)

(2) Act May 27, 1940 (54 Stat. 223) as amended by the act of March 29, 1944 (58 Stat. 130)

(3) Section 4 (b), act August 9, 1946 (60 Stat. 964), as amended by the act of August 4, 1947 (61 Stat. 748)

(4) Section 3, act June 20, 1949 (63 Stat. 202)

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⁵⁷ Exemption from internal-revenue tax on /distilled spirits, alcohol, wines, and beer removed from any internal-revenue bonded warehouse, industrial alcohol premises, bonded wine cellar, or brewery; and drawback on taxpaid distilled spirits or wines removed from an export storage room, or on taxpaid beer removed from a brewery (or place of storage elsewhere), for use as sup-plies on vessels under section 309, Tariff Act of 1930, as amended, are governed by regulations of the Internal Revenue Service.

- (5) Section 514, act October 12, 1949 (63 Stat. 831)
- The Secretary of the (c) Policy. Army will establish regulations requiring each officer and enlisted member having no wife or child to designate the proper dependent relative to whom the amount herein provided will be paid in case of his death. This amount will be paid from funds appropriated for the pay of the Army.
- § 533.2 Entitlement. When a member dies as a result of wounds or disease, not the result of his own misconduct, while on the active list of the Regular Army or on the retired list when on active duty, his beneficiary will receive payment of an amount equal to 6 months' pay at the rate received by such member at the date of his death. The Chief of Finance, Department of the Army, will cause the amount described in this section to be paid to the eligible beneficiary immediately upon receipt of official notification that death was not the result of the service member's own misconduct.
- § 533.3 Beneficiaries. Payment of the 6 months' gratuity may be made to beneficiaries of Regular Army members in the order indicated below:

(a) If there be a widow (widower), payment will be made to such person only.

(b) Child or children, if there be no widow (widower) (An adopted child is considered to be a child within the meaning of the term as used in the regulations in §§ 533.1 to 533.12)

(1) An illegitimate child (if acknowledged in writing by the service member) is considered to be a child within the meaning of the term as used in the regulations in §§ 533.1 to 533.12. See MS Comp. Gen. B-117183, March 4, 1955, and 30 Comp. Gen. 277.

(2) A stepchild is considered to be a child within the meaning of the term as used in the regulations in §§ 533.1 to 533.12, provided the conditions set forth in subdivisions (i) and (ii) of this sub-

paragraph are met.

(i) Where the relationship between a service member and a stepchild was created by marriage which was terminated by death, the relationship, in the absence of any evidence to the contrary, may be considered as continuing, so far as payment of the gratuity is concerned.

(ii) Where the relationship between a service member and a stepchild was created by a marriage which was terminated by divorce, the relationship may be considered as ended, so far as payment of the gratuity is concerned. See 24 Comp. Gen. 320; and 26 id. 723.

(c) Any other dependent relative previously designated by him, if there be no

widow (widower) or child.

(d) Grandchild, parent, brother and sister, or grandparent; if there be no widow (widower) child or any other dependent relative previously designated: the eligible members of each group havmg an insurable interest in the life of the deceased sharing equally. In these cases, the Secretary of the Army will cause the amount herein provided to be paid only when these beneficiaries are shown to have been dependent upon such officer or enlisted member prior to his death, and the determination of such fact by the Secretary of the Army will be final and conclusive upon the accounting officers of the Government.

(e) In the event of the death of any beneficiary before payment to and col-lection by such beneficiary of the amount authorized herein, such gratuity will be paid to the next living beneficiary in the order of succession stated in paragraphs (a) through (d) of this section.

§ 533.4 Six months' gratuity payable to beneficiaries of other than Regular Army members. The regulations in §§ 533.1 to 533.12 have equal application to the following members, and their dependents will not be deprived of the benefits provided in the act of December 17, 1919, as amended:

(a) All officers, warrant officers, and enlisted members of the Army of the United States (other than officers or enlisted members of the Regular Army) if called or ordered into the active military service in excess of 30 days, or if called or ordered to active military service or to perform active duty for training or inactive duty training for any period of time, who suffer death in line of duty from injury while so engaged.

(b) All officer, warrant officer, and enlisted members of the National Guard of the United States, both ground and air, the federally recognized National Guard of the several States, Territories,

and the District of Columbia:

(1) If engaged for periods in excess of 30 days in any type of training or active duty under section 5, 81, 92, 94, 97, or 99 of the National Defense Act, as amended, who suffer death in line of duty from injury while so engaged.

(2) If engaged for any period of time in any type of training or active duty under such sections of the National Defense Act, as amended, who suffer death in line of duty from injury while so engaged.

(c) Retired members who die while on active duty, or while on leave of absence.

(d) The teacher of music, the leader of Military Academy Band, will be en-titled to the same death gratuity as is now or may hereafter be provided for an officer of the Regular Army in the grade of captain with the corresponding length of service.

(e) Cadets at the United States Milltary Academy properly are to be regarded as officers on the active list within the meaning of the statutory provisions cited in § 533.1 for payment of the the 6 months' death gratuity. They will be entitled to 50 percent of the amount of death gratuity as is now or may hereafter be provided for a second lieutenant of the Regular Army with under 2 years' service. See 26 Comp. Gen. 373.

(f) Missing personnel determined to be dead.

§ 533.5 Computation of amount of death gratuity. The amount of the death gratuity due the beneficiary of a service member includes the compensation of every kind received by such member at the date of his death but does not include allowances. See 14 Comp. Dec. 857 · 24 id. 287.

§ 533.6 Six months' gratuity exempt from indebtedness. The amount of the 6 months' pay cannot be used for the debt of the officer or enlisted member, not even for overpayment. See MS Comp. Dec. 14 May 1913.

§ 533.7 Designation of two beneficiaries. (a) If the deceased person had designated two beneficiaries to receive the 6 months' death gratuity payment and the claim of the first designated beneficiary has been disapproved because the evidence submitted did not clearly establish dependency upon him for support, or otherwise an insurable interest in him, the claim of the second designated beneficiary may not be considered unless the first beneficiary, who may desire to submit additional evidence tending to show dependency, has relinquished the right to claim the gratuity payment. If the first designated beneficiary submits additional evidence tending to show dependency or insurable interest and such evidence is not sufficient to establish entitlement to the gratuity or he relinquishes his claim for payment, the claim of the second designated beneficiary may then be considered for payment of the gratuity.

(b) When it is determined that a relative of the deceased service member (whether or not designated) is the proper beneficiary within the meaning of the gratuity law to receive payment of the gratuity, any waiver of that right by such person in favor of another is without force or effect and payment will not be made to the person in whose favor the waiver was executed. See 24 Comp.

Gen. 46.

§ 533.8 No beneficiary designated or beneficiary ineligible. (a) If there be no widow (widower), child, or previously designated beneficiary, the Commanding General, Finance Center, U. S. Army, will determine dependency in accordance with approved policies and regulations of the Department of the Army.

(b) When a beneficiary designated by a serviceman fails to qualify as a dependent relative by reason of being only remotely related to the deceased, where no evidence of insurable interest can be furnished, and when there are more closely related dependent relatives, it will be construed as though no designation had been made, in which case the Commanding General, Finance Center, U. S. Army, may direct payment of the gratuity to a relative determined by him to have been dependent on the deceased. See 34 Comp. Gen. 105.

(c) The disbursing officer will forward any case of the type described in paragraphs (a), or (b) of this section to the Commanding General, Finance Center, U. S. Army, accompanied by all available information or evidence that will assist in making a determination as to the proper beneficiary or beneficiaries.

§ 533.9 Evidence. (a) The evidence required to establish the right under the law, of any person to receive payment of the 6 months' gratuity is set forth for the different classes of beneficiaries in figure 1.

(b) No affirmative showing of dependency is required in making payments of

6 months' death gratuity authorized by the act of December 17, 1919, as amended, to fathers, mothers, brothers, or sisters designated as beneficiaries of deceased military personnel, since relationship

alone establishes the insurable interest; but as to more distant relatives, evidence of insurable interest other than mere relationship is required. See 4 Comp. Gen. 554, modified; 22 id. 85.

Class of beneficiary	Nonexistence of widow (widower)	Relation- ship	Age	Marital status	Depend- ency	Insurable interest	Designation as beneficiary
Widow (widower): Designated Not designated Unmarried child (children)	No No	No Yes	No No	No No	No No	No No	Yes.1 4 7 10 No.2 4 7 10
under 21 years of age: Designated	Yes Yes	No Yes	Yes Yes	Yes Yes	No No	No No	Yes.1 3 10 No.3 3 10
	YesYes	No Yes	Yes Yes	Yes Yes	Yes Yes	No No	Yes. \$ 10 No. 3 5 10
	Nonexistence of widow (widower), child (children)						
Parents: Designated Not designated Brothers-sisters:	Yes Yes	No Yes	No No	No No	No Yes	No No	Yes. 6 # 10 No. 6 8 9 10
Designated	YesYes	No Yes	Yes Yes	No No	No	No	Yes. 6 10 No. 6 9 10
Designated	Yes Yes	Yes Yes	Yes Yes	No No	Yes Yes	Yes Yes	Yes. 6 10 No. 6 10
Designated Not designated Distant relatives (aunts, uncles,	YesYes	Yes Yes	No	No No	Yes Yes	Yes Yes	Yes. 6 10 No. 6 10
nieces, nephews): Designated.	Yes	Yes	No	No	Yes	Yes	Yes. 6 10

The fact, if it be a fact, that the widow (widower) of child (children), as the case may be, was designated as beneficiary, will in itself be regarded ordinarily as sufficient to establish the identity of the payce.

2 Where a payment is to be made to a widow (widower) not previously designated as beneficiary, affidavits from two disinterested persons, not related by blood, attesting to the following facts will be obtained and filed with the voucher 'The length of time they have known the widow (widower), that they have known her (him) to be the lawful wife (husband) of the decedent at the time of his (her) death, and that to the best of their knowledge and belief no divorce has been granted.

3 Where payment is to be made to a child (children) not previously designated, affidavits from two disinterested persons, not related by blood, attesting to the following facts will be obtained and filed with the voucher. That they knew the decedent, knew the mother (father), know that the child (children) is (are) the child (children) of the decedent, and know that the decedent was not survived by a lawful widow (widower) at the time of his (her) death and that the child (children) is (are) the only living child (children) of the decedent.

4 In an instance, where available information shows that the decedent had been at one time married to other than widow (widower) claiming the right to payment, she (he) must furnish evidence of dissolution of former marriage or marriages, i. e., divorce decree, annulment decree, or death certificate, whichever is appropriate. This evidence must also be furnished in the event claimant had been married previously.

5 In an instance where a child (children) of decedent is (are) being considered for payment, evidence of dissolution of all prior marriages of decedent's spouse is necessary. (See 4 above.)

7 In an instance where a relative other than a widow (widower), child (children) is being considered into as well as non-existence of child (children). (See 4 and 5 above.)

7 In an insta

required to establish the validity of the marriage before the courts of the jurisdiction where contracted.

§ In an instance where a parent is being considered for payment and the last name of the parent is not the same as the last name of the decedent, evidence must be furnished to substantiate the relationship of the parent to the deceased member.

§ Where payment is to be made to a parent, brother, or sister not previously designated as beneficiary, affidavits from two disinterested persons, not related by-blood, attesting the following facts will be obtained and filed with the voucher. The length of time they have known the parent, brother, or sister, and the decedent; and that they know the deceased person was not survived by a lawful widow (widower), child (children), or grandchild (grandchildren) at the time of his (her) death.

O Where payment is to be made to a legal guardian, trustee, or representative on behalf of a minor or incompetent child or other incompetent beneficiary, an affidavit, certificate, or court order of authority (whichever is applicable) to handle the affairs of such person, must be furnished as evidence to substantiate the claim for payment.

§ 533.10 To whom not payable. Payment of the 6 months' gratuity may not be made to:

(a) Any unmarried child over 21 years of age who is not actually a dependent of a deceased officer or enlisted member. or any married child, notwithstanding the allegation of dependency on the deceased officer or enlisted member. See 4 Comp. Gen. 730 · 18 id. 567 · and 22 id. 797.

(b) A person who takes the life of the deceased, on whose account death gratuity would otherwise be payable to such beneficiary. The only exception to this policy is a case where a person takes the life of the deceased but the records clearly establish the absence of any felonious intent on the part of the person who would be entitled to receive payment of death gratuity. See MS Comp. Gen. A-60953, June 12, 1935, and MS Comp. Gen. B-115170, July 16, 1953.

(c) Stepparents not designated and persons, other than dependent relatives, standing in loco parentis to decedent whether or not designated. See 26 Comp. Gen. 723.

(d) The natural parent of a service member who had been legally adopted. The fact that the service member returned to reside with the natural parent before induction into the service and designated the natural parent as beneficiary to receive the payment does not change the foregoing statement. See 24 Comp. Gen. 479.

§ 533.11 Will-not designation. A will is not a designation within the meaning of the act providing the 6 months' gratuity pay, as that gratuity is not a debt or money due the officer or enlisted person and cannot become a part of his estate.

§ 533.12 Special determinations—(a) Absent without leave. (1) Section 4 (b), act August 9, 1946 (60 Stat. 964), as amended by the act of August 4, 1947 (61 Stat. 748; 37 U. S. C. 33), provides that during periods of absence without leave. service members will continue in a pay status, but will forfeit all pay and allowances during such absence unless such absence is excused as unavoidable. The 6 months' death gratuity is not a part of a member's pay and allowances, therefore, if a member dies during an absence without leave, whether or not such absence is excused as unavoidable, payment of the 6 months' death gratuity is authorized if otherwise payable. This determination applies to all cases where absence without leave and death occurred subsequent to August 31, 1946.

(2) In each case where an individual dies after having been dropped from the rolls as a deserter, and administrative determination as to whether the service member was in a desertion or absent without leave status at date of death will be obtained from The Adjutant Goneral by the Commanding General, Finance Center, U. S. Army. Payment of the 6 months' death gratuity will be dependent upon the determination as to the status of such service member. See MS Comp. Gen. B-109305, June 4, 1952.

(3) Payment of the 6 months' death gratuity is not authorized if death occurred when the deceased was in an absent without leave status and the date of death was subsequent to date of the expiration of the deceased's normal period of enlistment.

(b) Flying requirements not met when on flying status. If a person dies while assigned to flying duty and has not made any flights during any one of the 3 months immediately succeeding the quarter in which he last met the flight requirements, his rate of pay for the payment of the 6 months' gratuity includes the increased pay for flying although no flying pay had accrued to him on the date of his death. See 7 Comp. Gen. 476.

(c) Flight status suspended. If a member dies while under suspension from flying duty, pay for flying will not be included in the rate of pay at date of death for the payment of the 6 death gratuity. See MS. months'

Comp. Gen. B-122105, April 12, 1955.
(d) Advanced in grade after date of death. Section 2 of the act of March 7, 1942, as amended, which entitles any person in active service officially reported as missing, missing in action, interned in a foreign'country, captured by a hostile force, beleaguered or besieged,

to continue to-receive, or have credited to his account, the pay and allowances to which he was then or thereafter became entitled, does not authorize computation of the 6 months' death gratuity payment on the basis of pay for a grade to which a person was advanced after being officially reported missing where it was later determined that the person had died prior to such advancement in grade. See 22 Comp. Gen. 395.

(e) Declared dead after missing. In the case of a person who was officially carried in a missing status and subsequently declared dead as of a certain date, the death gratuity should be computed on the pay rate to which the person was entitled on the date as of which he was declared dead, rather than on the rate he was receiving at the beginning of the missing status. See 22 Comp. Gen. 1053.

§ 533.15 Settlement of arrears of pay upon death. * * *

§ 533.16 Letters testamentary or letters of administration. * * *

[AR 35-1370, 11 October 1955] (R. S. 161; 5.U. S. C. 22. Interpret or apply secs. 1, 2, 41 Stat. 367, as amended, sec. 5, 53 Stat. 557, as amended: 10 U. S. C. 456, 903)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-8939; Filed, Nov. 4, 1955; 8:45 a.m.]

Subchapter C-Military Education

PART 543—PROMOTION OF RIFLE PRACTICE

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE AND OFFICE OF DIRECTOR OF CIVILIAN MARKSMANSHIP

Section 543.4 is revised to read as follows:

§ 543.4 National Board for the Promotion of Rifle Practice and Office of the Director of Civilian Marksmanship-(a) General. Section 113 of the National Defense Act of 1916, as amended (32 U. S. C. 186) and certain related statutes, especially the act of 7 June 1924 (43 Stat. 510) as amended (32 U.S.C. 181) impose an obligation upon the Secretary of the Army to promote marksmanship training with military-type individual small arms among able-bodied citizens of the United States and within the limits of available funds to provide citizens outside the active services of the Armed Forces of the United States with means whereby they may become proficient in the use of such arms. This obligation is fulfilled on behalf of the Secretary of the Army by the National Board for the Promotion of Rifle Practice and its implementing agency, the Office of the Director of Civilian Marksmanship. The Assistant Secretary of the Army (Manpower and Reserve Forces) is presently required by the Secretary of the Army to be president of the board and in that capacity acts for the Secretary of the Army concerning activities relating to the program of the board. including approval of expenditures by the board.

(b) Mission. Under the statutory authority set forth in paragraph (a) of this section the principal mission of the National Board for the Promotion of Rifle Practice is to promote among ablebodied citizens not reached through training programs of the active components of the Armed Forces of the United States, practice in the use of military-type individual small arms; to promote matches and competitions in the use of such arms; and to issue in connection therewith necessary arms, ammunition, targets, and other necessary supplies and appliances; and to procure and award to winning competitors trophies, medals, badges, and other insignia. In the execution of this mission the board is charged with encouraging and supporting small arms target practice throughout the United States and its Territories, for the purpose of training the citizenry in the use of military-type individual small arms, particularly to the end that those individuals who may be called upon to serve in time of war will be qualified as finished marksmen, and to create a public sentiment which emphasizes the necessity of marksmanship training with military-type individual small arms as a means of National Defense.

(c) Composition. The National Board for the Promotion of Rifle Practice will consist of not less than 21 members or more than 25 members, to be appointed by the Secretary of the Army from time to time from the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the reserve components of the Armed Forces of the United States, the National Rifle Association of America, the Selective Service System, and the country at large.

(d) Members to serve without compensation. Members will serve without compensation as such, other than reimbursement of necessary authorized expenses.

(e) Executive committee. (1) An executive committee consisting of not less than three members of the board will be appointed by the president at the first meeting of the board each year. This committee will serve for 1 year. The representative of the Assistant Chief of Staff, G-3, Department of the Army, on the board normally will be chairman of the committee.

(2) The committee will, during such times as the board is not in session, act for the board on all matters referred to it, and its action when approved by the president will become binding on the board.

(f) Budget committee. (1) A budget committee consisting of not less than three members of the board will be appointed by the president at the first meeting each year. The Deputy Assistant Secretary of the Army (FM) will normally be chairman of the committee.

(2) The committee will act for the board in the preparation and defense of budget requests for "Promotion of Rifle Practice," and as otherwise required concerning budgetary matters pertaining to activities of the National Board for the Promotion of Rifle Practice.

(g) Expenditure projects. Expenditures of funds will be made only in

accordance with expenditure projects prepared by the budget committee in accordance with law and regulations and approved by the president.

(h) Executive officer. (1) The executive officer will be an officer of the Army selected by the president from among members of the board.

(2) He will be recorder of the board and, under the direction of the president will:

(i) Conduct its detailed business:

(ii) Make all contracts and agreements covering the expenditure of public funds, in accordance with law and regulations:

(iii) In collaboration with the budget committee of the board, prepare and assist in defending annual requests of the board for appropriations which are necessary to accomplish the duties charged to the board; and

(iv) Be responsible for the preparation of that portion of the annual report of the president to the Secretary of the Army pertaining to the activities of the board to be included in the semiannual report of the Secretary of the Army

report of the Secretary of the Army.

(i) Logistical support. The active Army will provide, within the limits of available funds, logistical support for this program through supply and service activities and Department of the Army stocks in accordance with availability and the established supply and pricing policy. This program is funded for through separate appropriations, the budget estimates for which are prepared by the National Board for the Promotion of Rifle Practice.

(j) Meetings. The board will hold two meetings annually for the transaction of such business as may properly come before it. One such meeting will be held not later than April 15th of each calendar year at such time and place as may be designated by the president. The second meeting will be held at the site of the annual National Matches.

(k) Government of the board. (1) Robert's Rules of Order will be authority for the governing and regulating of all meetings of the National Board for the Promotion of Rifle Practice.

(2) Proxies will not be allowed in either meetings of the board or meetings of regularly appointed committees of the board.

(3) The president of the board and the executive officer will be ex officio members of all committees of the board, except that the executive officer will not be a member of the executive committee.

(1) Director of Civilian Marksmanship. (1) The act of 29 August 1916 (39 Stat. 648) as amended (32 U. S. C. 182) authorized the Secretary of the Army or Marine Corps as Director of Civilian Marksmanship. The office of the Director is the implementing agency for the National Board for the Promotion of Rifle Practice. The Director of Civilian Marksmanship is responsible for unplementing the policies established by the hoard as approved by the president for the Secretary of the Army.

(2) Under the direction of the National Board for the Promotion of Rifle Practice, and as provided in partinent Department of the Army regulations, the

Director of Civilian Marksmanship is responsible for.

- (i) Initiating, developing, coordinating and recommending appropriate actions on matters pertaining to:
- (a) Organization of civilian rifle clubs;
- (b) Procedure and policy governing the enrollment of civilian clubs and schools in the civilian marksmanship program fostered by the National Board for the Promotion of Rifle Practice and implemented by the Director of Civilian Marksmanship;
- (c) Policies and procedures governing the issue made to civilians, of rifles, ammunition, targets, and other supplies and materials required in the conduct of small arms marksmanship training;

(d) Bonding of clubs and schools to which government property is issued on a loan basis:

(e) Proper accountability of property issued to civilian rifle clubs and schools;

- (f) Policies and procedures governing awards of marksmanship qualification badges, medals, and trophies provided by the National Board for the Promotion of Rifle Practice in execution of the programs of marksmanship training and competitions fostered by the board; and
- (g) Requests of schools and authorized civilian organizations to use government-owned rifle ranges at military installations throughout the United States.
- (ii) Conducting a continuing review of major policies of the National Board for the Promotion of Rifle Practice as related to those of the National Rifle Association of America, to insure proper correlation between the two organizations on matters pertaining to the nation-wide civilian marksmanship training program fostered by the National Board for the Promotion of Rifle Practice and executed in collaboration with the National Rifle Association.

[NR 920-15, 23 Dec. 1954, and C1, 20 Oct. 1955] (R. S. 161; 5 U. S. C. 22. Interprets or applies 39 Stat. 211, as amended, 43 Stat. 510, as amended; 32 U.S. C. 181, 186)

JOHN A. KLEIN, Major General, U. S. Army, [SEAL] The Adjutant General.

[F. R. Doc. 55-8938; Filed, Nov. 4, 1955; 8:45 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

> PART 202-MINIMUM WAGE **DETERMINATIONS**

> > ENVELOPE INDUSTRY

On December 14, 1954, a public hearing to determine the prevailing minimum wages in the envelope industry was held pursuant to notice published in the November 18, 1954, issue of the Federal REGISTER (19 F R. 7437-7438) of a proposed amendment to the determination of the prevailing minimum wage for the envelope industry was published in the Federal Register (20 F R. 1380) on March 8, 1955 The notice provided a period of thirty days within which interested parties might submit exceptions to the proposed amendments. The time for filing such exceptions expired on April 7, 1955.

One exception has been received. The Tension Envelope Corporation objects to the subminimum wages authorized in the proposed determination. It suggests that a seventy-five cent minimum wage rate should be established for beginners and that such wage rate should be increased five cents per hour at the end of the first month, and an additional five cents per hour at the end of three months. No evidence other than the rates paid to beginners in their plants has been offered in support of this proposal. The suggestion has been considered, but in view of the substantial evidence contained in the record supporting the \$1.02 per hour minimum wage for beginners in the envelope industry, I find insufficient basis for changing my decision as proposed.

Upon consideration of the entire record the proposed amendment is hereby adopted.

Accordingly, pursuant to the authority vested in me by the Walsh-Healey Public Contracts Act, § 202.13 of Title 41, Code of Federal Regulations, Part 202 is hereby amended to read as follows:

§ 202.13 Envelope industry—(a) Definition. The envelope industry is defined as that industry which manufactures or furnishes envelopes, with the exception of boxed and personal stationery (papeteries)

(b) Minimum wage. The minimum wage for persons employed in the manufacture or furnishing of products of the envelope industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than \$1.08 an hour arrived at either on a time or piece rate basis.

(c) Subminimum wages authorized. (1) Beginners may be employed at subminimum rates subject to the following terms and conditions:

(i) In the performance of contracts for products of the envelope industry, beginners may be paid a subminimum rate of \$1.02 an hour. If experienced workers in the same plant are paid on a piece rate basis, beginners must be paid the same piece rates, but may not be paid less than \$1.02 an hour.

(ii) A beginner for the purposes of this determination is a person who has had less than 480 hours experience in the industry.

(iii) If the beginner has had previous experience in the industry, the number of hours of such experience must be deducted from the 480 hour learning period during which the subminimum rate may be paid.

(2) (i) Handicapped workers may be employed at wages below the applicable minimum wages specified herein upon the same terms and conditions as are prescribed for the employment of handicapped workers by the Regulations of the Administrator of the Wage and Hour Division of the United States Department of Labor (29 CFR Parts 524, 525), under section 14 of the Fair Labor Standards Act.

(ii) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to two different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) Effect on other obligations, Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of

this section,

(e) Effective date. This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after December 5, 1955.

(Sec. 4, 49 Stat. 2038; 41 U.S. C. 38)

Signed at Washington, D. C., this 2d day of November 1955.

> ARTHUR LARSON, Acting Secretary of Labor

[F R. Doc. 55-8949; Filed, Nov. 4, 1955; 8:47 a. m.]

PART 202-MINIMUM WAGE **DETERMINATIONS**

PAPER AND PULP INDUSTRY

On January 27, 1953, notice was published in the Federal Register (18 F R. 572) of a proposed amendment to the determination of the prevailing minimum wages for the paper and pulp industry. On June 22, 1954, after publication of due notice in the May 28, 1954 issue of the Federal Register (19 F R. 3100), a supplemental hearing was hold in Washington, D. C. Subsequently on February 22, 1955, notice was published again in the Federal Register (20 F R. 1100) of the proposed amendment to the determination of the prevailing minimum wages for the paper and pulp industry. The notice provided a period of 30 days within which interested parties might submit exceptions or objections to said proposed decision, together with the supporting reasons therefor. period expired on March 24, 1955.

Exceptions and objections have been received from two sources. Mr. J. F Hogan, President of Oswego River Tissues, Inc. objects to the finding of a separate minimum for the paper bag branch of the industry and suggests that a higher minimum, specifically \$1.25 per hour, be found for the entire industry. No analysis of conditions in the industry or of wage rates as reflected by the record herein is submitted in support of his contentions. As the record clearly justifies regarding the manufacture of paper bags as a separate branch of the industry and the finding of a separate minimum wage for the branch, the ob-

jection must be overruled.

Attorneys for the bag companies, who intervened following the proposed decision of January 27, 1953, and who are heremafter referred as intervenors, filed exceptions challenging (1) the adequacy under section 4 (a) of the Administrative Procedure Act of the notice of hearing published on May 28, 1954; (2) the propriety of minima applicable to the country as a whole as distinguished from separate minima for each separate "locality" as that term of the statute is interpreted by intervenors; and (3) the evidentiary foundation upon which the proposed rates are based. Intervenors also object to inclusion in the record of unsworn testimony by Harry Sayre and Henry Segal. Finally they object to certain language contained in the proposed amendment from which they incorrectly infer that I may fail to give serious consideration to their exceptions.

In support of exceptions 1, 2 and 3 the Intervenors have referred to the reasons stated in their brief filed on July 24, 1954. All of the matters raised in that brief and repeated in these exceptions have been fully considered and were ruled upon in my proposed decision. Nevertheless, I have carefully reconsidered each point raised in the exceptions, and find no basis for changing my decision as proposed.

The intervenors also except to the admission in evidence of Government Exhibits N, O, P Q-1, Q-2, Q-3, R, S and T. These exhibits are relevant and material to my consideration of the economic factors involved in the question of whether it would be appropriate to make separate determinations for different geographic areas in this industry.

Intervenors object to the inclusion in the record of the "unsworn testimony" of Harry Sayre and Henry Segal. The Administrative Procedure Act does not require that testimony taken in proceedings of this kind be taken under oath and the published rules of practice applicable here (41 CFR 203.18) leave the matter to the discretion of the presiding officer. Furthermore, the testimony in question was no more than a statement of position or, at most, argument. No factual evidence was included. Both witnesses expressly disclaimed any intention of offering additional evidence and neither statement contained any evidence which has been relied upon in reaching my decision.

I have carefully considered all of the exceptions and objections filed by the intervenors and find them to be unsupported by the record, irrelevant to this proceeding, or previously considered in the proposed decision.

Upon consideration of the entire record the proposed amendment is hereby adopted.

Accordingly, pursuant to the authority vested in me by the Walsh-Healey Public Contracts Act (41 U. S. C. Secs. 34-45) § 202.33 of Title 41, Part 202, of the Code of Federal Regulations is hereby amended to read as follows:

§ 202.33 Paper and pulp industry—
(a) Definition. The paper and pulp industry is that industry which manufactures or furnishes any of the following products: pulp from wood or from other materials such as rags, linters,

waste paper and straw; paper from wood pulp and other fibers; paperboard from wood pulp and other fibers; building paper and building board, except gypsum products; coated bookpaper; paper bags, including paper shipping sacks; and sanitary paper such as facial tissues, toilet paper, paper napkins and paper towels.

(b) Minimum wages. (1) The minimum wage for persons employed in the manufacture or furnishing of products of the paper and pulp industry (other than bags) under contracts subject to the Walsh-Healey Public Contracts Act shall be \$1.115 an hour arrived at either on a time or piece-rate basis.

(2) The minimum wage for persons employed in the manufacture of products of the paper bag branch of the paper and pulp industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 99 cents an hour arrived at either on a time or piece-rate basis

(c) Subminimum wages authorized.

(1) Beginners (probationary workers) as defined in this paragraph may be employed at hourly wage rates not lower than the following: \$1.065 per hour in the paper and pulp industry (other than bags) and 94 cents per hour in the paper bag branch, arrived at either on a time or piece-rate basis. A beginner or probationary worker for the purpose of this determination is an employee who has less than 160 hours experience in the plant in which he is employed.

(2) Handicapped workers may be employed at wages below the minimum rates upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524, 525), under section 14 of the Fair Labor Standards Act, as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) Effect on other obligations. Nothing in this section shall effect any obligations under any other law or agreement for the payment of minimum wages higher than those specified herein.

(e) Effective date. This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Walsh-Healey Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after December 5, 1955.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 36)

Signed at Washington, D. C., this 2d day of November 1955.

ARTHUR LARSON, Acting Secretary of Labor

[F. R. Doc. 55-8950; Filed, Nov. 4, 1935; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket 3686; Order 20]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS ALIENDMENTS

Correction

The following changes should be made in Federal Register Document 55-6723, appearing at page 8097 of the issue for Friday, October 28, 1955:

1. The amendment concerning § 73.334 (page 8103, third column) is deleted in its entirety.

2. In § 78.209-13 (a) (page 8110, middle column) the symbol should read as follows:

ICC-12H • •

- 3. In § 78.325-2 (a) (page 8112, column 2) the final provise should read: "and provided further that such tanks can and do, within six months of December 31, 1955, successfully pass the tests prescribed in § 78.325-5."
- 4. In § 78.325–3 the first sentence of paragraph (a) should read: "Except as provided elsewhere in the regulations in this part, every new cargo tank manufactured on or after December 31, 1955, for the transportation of any flammable liquid or poisonous liquid class B, having a Reid (ASTM D-323) vapor pressure of 18 psia or higher at 100° F. shall comply with the requirements of this specification."
- 5. In § 78.325-5 (b), subparagraphs (1) and (2) should read as follows:
- (1) Whenever any tank, new or old, is acquired by a motor carrier; except that suitable testing of new tanks when completed by the manufacturer and before such tanks are placed in service will be considered as complying with this requirement.
- (2) On each existing tank continuing in service in accordance with § 78.325–2, which tank has not been so tested within 21 months of December 31, 1955. The test required by § 78.325–2 shall be made within six months of December 31, 1955;

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 55-47]

PART 146—TRANSPORTATION OR STORAGE OF EMPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUS-TIBLE LIQUIDS ON BOARD VISSELS

INTERIM STOWAGE REQUIREMENTS FOR CHEMICAL AMMUNITION, CLASS H-D, WP AND PWP FILLED (SOLID)

The Chief of Ordnance, Department of the Army, stated that the stowage requirements in 46 CFR 146.29-100 for chemical ammunition, Class II-D, WP and PWP filled (colid), created unsatisfactory ballistics characteristics and unsafe munitions. Therefore, interim. instructions to correct these defects are contained in this document and shall remain in effect until the regulations in 46 CFR 146.29-100 can be reviewed and amended as provided by law.

By virtue of the authority vested in me as Commandant. United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F R. 6521) and Treasury Department Order 167-14, dated November 26, 1954 (19 F R. 8026) to promulgate interim requirements in accordance with R. S. 4405, as amended, 4462, as amended, 4472, as amended, and sec. 3, 68 Stat. 675

(46 U. S. C. 375, 416, 170) and Executive Order 10402 (3 CFR, 1952 Supp.) It is ordered, That:

(a) The regulations in 46 CFR 146.29-100, regarding stowage of chemical ammunition, Class II-D, WP and PWP filled (solid) shall be modified by the following interim stowage requirements pending formal amendment in accordance with procedures in R. S. 4472, as amended (46 U.S. C. 170)

(1) It is important to stow chemical ammunition, Class II-D, WP and PWP filled (solid) in locations not subject to temperatures above 100° F

(2) When shipments of Army ammunition of this class cannot be so

stowed, the following shall be complied with:

WP and PWP filled items of ammunition shall be stowed in a nose up position unless other requirements are specified by the Army. The position of the nose end of the item of ammunition is marked on the outside of the package or container.

(R. S. 4405, as amended, 4462, as amended; 46,U. S. C. 375, 416, 170)

Dated: October 31, 1955.

[SEAL] A. C. RICHMOND, Vice Admiral, U S. Coast Guard, Commandant.

[F R. Doc. 55-8943; Filed, Nov. 4, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [7 CFR Part 966]

[Docket No. AO-257-A1]

MILK IN SHREVEPORT, LOUISIANA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMEND-MENTS TO TENTATIVE MARKETING AGREE-MENT AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended, (7 CFR Part 900) notice is hereby given of a public hearing to be held in the State Exhibit Museum, 3015 Greenwood Road, Shreveport, Louisiana, beginning at 10:00 a.m., November 21, 1955,

Subjects and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to economic conditions which relate to the provisions specified in the proposals listed below or appropriate modifications thereof.

The proposals to amend the order (No. 66) are as follows:

By the Northwest Louisiana Pure Milk Producers Association:

1. Delete § 966.6 and substitute therefor the following:

§ 966.6 Shreveport, Louisiana Marketing Area. Shreveport, Louisiana Marketing Area, hereinafter called the marketing area, means all the territory and boundaries including all municipal corporations and Federal military reservations, facilities and installations and state institutes within the Parishes of Caddo, De Soto, Red River, Webster, Bossier, the Cities of Homer and Haynesville in Claiborne Parish, the City of Leesville and all military installations in Vernon Parish, all in the State of Lou-

2. Delete § 966.8 and substitute therefor the following:

§ 966.8 Supply plant. "Supply plant" means (a) any plant from which Grade provided by § 966.94.

A milk, skim milk or cream is shipped during the month to a distributing plant in any of the months of January through July, or (b) any plant from which not less than 50 percent of the Grade A milk received from dairy farmers during the month is shipped in such month as milk, skim milk or cream to distributing plants during the months of August through December.

3. Amend § 966.27 (i) (j) (2), and (k) by deleting in each of these paragraphs the words "12th day" and substitute the words "10th day" Amend Amend § 966.90 (d) by deleting the words "13th and 26th days of each month" and substitute therefor the following: "11th and 25th days of each month"

4. Delete paragraph (a) in § 966.51 and substitute therefor the following:

(a) Class I Milk Price. The Class I milk price shall be the basic formula price as determined pursuant to § 966.50 plus \$2.20 for each of the months of March, April, May and June and \$2.60 for all other months.

5. Delete § 966.53.

6. In § 966.41 redesignate present paragraph (b) as paragraph (c) and add a new paragraph (b) as follows:

(b) The supply-demand adjustment for each month shall be determined as follows: Divide the total hundredweight of producer milk of all fluid milk plants for the 12-month period ended with the beginning of the preceding month, by the net hundredweight of Class I milk disposed of from all fluid milk plants durmg the same period and multiplied by 100. The resulting figure, rounded to the nearest whole percentage shall be known as the "utilization ratio" For each percentage by which the utilization ratio calculated for the month exceeds 125, subtract from, or for each percentage by which it is less than 120, add to, the Class I price, one cent.

By The Dairy Division, Agricultural Marketing Service:

7. Consider an increase in the maximum rate of administrative assessment

Copies of this notice of hearing and the order now in effect may be procured from, the market administrator, 3822 Linwood Avenue, Shreveport, Louislana or the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C. or may be inspected there.

Dated: November 2, 1955.

ROY W LENNARTSON, [SEAL]

Deputy Administrator

[F. R. Doc. 55-8968; Filed, Nov. 4, 1985; 8:51 a. m.]

[7 CFR Part 978]

[Docket No. AO-184-A12]-

MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEP-TIONS WITH RESPECT TO PROPOSED AMEND-MENTS TO TENTATIVE MARKETING AGREE-MENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Nashville, Tennessee, mar-keting area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the third day after publication of this decision in the Federal Register. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Nashville, Tennesse, on September 22–23, 1955 (20 F R. 7007) The material issues of record related to:

- 1. An emergency increase in the Class I differential.
- 2. An increase in the annual level of the Class I price.
- 3. A revision of the order to provide that the uniform price for "excess" milk should not exceed the uniform price for "base" milk.
- 4. A revision of the definition of "Fluid Milk Plant"
- 5. A revision of the base-forming period.
 - 6. The level of the Class II price.
- 7. A revision of the method by which producers receive payment for milk.
- 8. Administrative and conforming changes in the order.

Findings and conclusions. The following findings and conclusions on Issue No. 1 are based upon the evidence introduced at the hearing and the record thereof. Expedited action is recommended on Issue No. 1. Findings and conclusions relating to Issues No. 2 through No. 8 will be recommended in a separate decision to be issued at a later date.

1. The order should be amended to provide that the Class I milk differential be \$1.50 from the effective date of this order through February 1956, and \$1.20 during March 1956.

At the hearing, producers' representatives proposed an emergency increase in the Class I milk differential of 30 cents during the months October 1955 through February 1956, in conjunction with their proposal to increase the average level of Class I prices 25 cents on an annual basis. The change recommended herein will provide an increase of 10 cents per hundredweight through March 1956, in lieu of an operative supply-demand adjustment factor.

The order regulating the handling of milk in the Nashville marketing area was amended effective April 1, 1955. Although the annual average Class I price level was not changed at that time, the seasonal variation in the Class I differential was altered. At the same time. the pooling provisions were changed to replace the market-wide pool with an individual handler pool. Because changes of that type in an order can have important effects on the organization and structure of a market, the effective date of the new supply-demand adjustment provision was delayed until January 1956 For these reasons the present Nashville order does not have an operative provision that adjusts automatically the Class I milk price in response to current supply-demand relationships in the area.

At the hearing, producers' representatives based their request for Class I price revision on the criteria that: (1) the Nashville order price for Class I milk is too low when compared with prices in surrounding markets, including nearby Federal order markets, and with the Class I price level which prevailed in prior years in the Nashville market, (2) this disparity in minimum producer

prices, in previous years, was at least partially offset by premiums or "overorder" prices negotiated between the cooperative associations and handlers, (3) negotiations with handlers for "overorder" prices or premiums for the current fall and winter production season have not been and cannot be successful (because of litigation by the association to recover previous defaults in payments of premium money by a bandler), and (4) production conditions in the Nashville marketing area are being affected by adverse weather at the same time that the market is experiencing a strong demand for Class I milk products.

Premiums which supplemented minimum order prices have been negotiated between the cooperative association and handlers and have been in effect during some months each year since the Federal order became effective in the Nashville market. Proponents testified that such premiums added enough to the minimum Class I milk price specified in the order to induce dairy farmers to produce the needed supplies of milk. Record evidence also indicates that the association has been, and undoubtedly will continue to be, unsuccessful in negotiating such premiums this fall and winter.

The evidence with respect to adequacy of producer milk supplies on a long-run and a short-run basis shows mixed trends. Evidence regarding long-run relationships indicates that during the period January 1953 through September 1955, the prevailing Class I differential averaged approximately \$1.27 over the basic formula price. The present Class I differentials result in an annual average differential of \$1.25. During this period, milk supplies have generally increased, providing an adequate supply of pure and wholesome milk for the market. On the other hand, however, milk is now being imported into the Nashville market from Indiana and Wisconsin to supplement local supplies. Handler tes-timony indicates these imports were necessitated because: (a) The handler erred in estimating his producer milk requirements this fall, and (b) pool plants having adequate supplies of producer milk for their in-area sales already had committed remaining supplies to out-of-area markets.

Testimony by proponents indicates that at the time of the hearing the State of Tennessee was experiencing an acute lack of rainfall. As a result, late corn and pastures have been damaged. Germination and growth of seedings have been hindered by the lack of moisture. Some pastures had been sown, and all were in need of rain. Other evidence indicates that the growing season and pasture conditions just passed have been the best in several years. During the last several years, however, the Nashville production area has suffered drought conditions.

Evidence in the record indicates that production in the Nashville market has increased since 1948. It also indicates that producers receipts in August 1955 were 11 percent greater than in August 1954. At the same time, Class I sales are increasing. For example, Class I sales in August 1955 were 18 percent greater than in August 1954.

Official notice is taken of "Milk Market Information, Nashville Marketing Area, September 1955, Volume 8, No. 10" This report is regularly issued by the Nashville market administrator. Information contained in this report indicates that in September 1955, producer receipts were 9.9 percent greater than in September 1954. Other information contained therein shows that at the same time, Class I sales increased by 14.2 percent. Daily average receipts of producer milk remained about the same between August and September 1955 (up less than 1 percent), whereas during this same period, daily average gross Class I sales increased 11.3 percent. These trends indicate a changing supply-demand relationship in that, at least m the short-run, Class I sales are increasing at a faster rate than producer receipts.

Ordinarily, changes in local supplydemand relationships similar to those detailed above would be reflected in the Federal order price through an appropriate supply-demand adjustment. However, as pointed out earlier in this decision, the present supply-demand provision in the Nashville order will not become operative until 1956. Moreover. were the provision operative it would not reflect the conditions now evident in the market since any adjustment would be based on the relationship between production and sales for a previous twelvemonth period. Consequently, changes cannot be reflected Consequently, such automatically in the Class I price until after March 31, 1956, without some amendatory action.

The statistics and procedures used in developing an appropriate supply-demand provision for the Nashville market for a limited period require too great a time for study and analysis for inclusion in this decision. Accordingly, it is con-cluded that the provision of the order which delays the operation of the present supply-demand adjustment until January 1956, be extended to cover the period through March 31, 1956. It also is concluded that the most appropriate means of reflecting current price adjustments justified by the changing supply-demand relationships is to amend the order to provide a fixed increase of 10 cents per hundredweight in the Class I milk differential through the month of March 1936. The Class I prices provided for herein are not significantly out of alignment with the Class I prices provided under other Federal orders in the general area, although they are actually less than such other prices plus the cost of transporting milk from such markets.

Rulings on proposed findings and conclusions. A number of briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such

conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

- (b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and
- (c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as proposed to be further amended:

1. Delete § 978.51 (a) and substitute therefor the following:

(a) Class I milk price. The Class I milk price shall be the basic formula price for the preceding month, plus \$1.40 during the months of September through February, and plus \$1.10 during all other months, plus an additional 10 cents during the months through March 1956, plus or minus a supply-demand adjustment calculated for each month after March 1956 as follows:

(1) Divide the total hundredweight of producer milk of all fluid milk plants for the twelve-month period ending with the beginning of the preceding month, by the net hundredweight of Class I milk disposed of from all fluid milk plants during the same period and multiply by 100. The resulting figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130 subtract from, or for each percentage by which it is less than 125 add to, the Class I price, 1 cent.

Issued at Washington, D. C., this 2d day of November 1955.

[SEAL] ROY W LENNARTSON,

Deputy Administrator

[F. R. Doc. 55-8967; Filed, Nov. 4, 1955; 8:51 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts
L 41 CFR Part 202]

PHOTOGRAPHIC AND BLUEPRINTING EQUIP-MENT AND SUPPLIES INDUSTRY

AMENDMENT TO DETERMINATION OF PREVAILING MINIMUM WAGE

This matter is before the Department of Labor pursuant to the Walsh-Healey Public Contracts Act, as amended (49 Stat. 2036; 41 U. S. C. sec. 35 et seq.)

In a minimum wage determination issued on January 24, 1950 (15 F R. 382) the Secretary of Labor determined the minimum wage prevailing for persons employed in the photographic supplies industry, in the performance of contracts subject to the act, to be not less than 75 cents an hour. This determi-nation also authorized the employment of learners and handicapped workers at wages below 75 cents an hour upon the same terms and conditions as are prescribed for the employment of learners and handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the United States Department of Labor under section 14 of the Fair Labor Standards Act. This. determination is currently in effect as editorially revised and published in the FEDERAL REGISTER on July 20, 1950 (15 F. R. 4641)

The present proceedings were initiated by the Secretary of Labor on his own motion. Notice of a public hearing in this matter to be held on March 8, 1955, was duly published in the Federary 4, 1955, issue of the Federal Register (20 F R. 769) Copies of the notice and of a press release announcing the hearing were mailed to trade associations, unions, and to other interested parties in the photographic and blueprinting equipment and supplies industry. In addition, the press release was distributed to newspapers and to trade publications.

This notice informed interested persons of the time and place at which they could appear and offer testimony as to (1) the prevailing minimum wages in photographic and blueprinting equipment and supplies industry. (2) whether there should be included in any amended determination for this industry provision for the employment of learners, beginners or apprentices at subminimum rates and on what terms or limitations, if any, such employment should be permitted; (3) the propriety of the proposed redefinition and redesignation of this industry and (4) whether a single determination applicable for all the area in which the industry operates, or a separate determination for each of several different smaller geographical areas (including the appropriate limits of such areas) should be determined for this industry. The notice particularly invited information with respect to the subject matter of the testimony or statements of each witness as to (1) the identity of any products which are not now expressly included in the definition of the industry which should be included and of any products now included which should not be included; (2) the number

of workers covered in the presentation: (3) the number and location of establishments: (4) minimum wages paid at the end of a probationary or learner period, the number of workers receiving such wages, and the occupations in which these-employees are found; (5) whether learners, beginners or apprentices are employed at subminimum rates, and if so, in what occupations, at what subminimum rates, and for what periods. and the number or proportion of such employees; and (6) the extent to which there is competition in this industry between different plants in different geographical areas. The notice also stated that "To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant basis."

Pursuant to the notice a hearing was held on March 8, 1955, at 10:00 a. m. in room 2203, Department of Labor Building, Washington, D. C. The National Association of Photographic Manufacturers (NAPM) National Association of Blueprint and Diazotype Coaters, unions affliated with the American Federation of Labor and the Congress of Industrial Organizations, various individual firms, and an independent labor union were represented at the hearing. The record was kept open for fifteen days following the receipt of the transcript for any party who wished to present proposed findings, conclusions, and briefs or arguments in support thereof. The record was closed on May 5, 1955.

Definition. The notice of hearing, dated January 28, 1955, was published in the February 4, 1955, issue of the Federal Register (20 F. R. 769), redesignated the industry as the photographic and blue-printing equipment and supplies industry and redefined the industry as follows:

- (1) The photographic equipment and supplies branch of the photographic and blue-printing equipment and supplies industry is defined as that industry which manufactures or furnishes such products as: still and motion picture cameras; projection apparatus; photographic lenses; shutters; photocopy and microfilm machines; developing tanks and machines; enlargers; plate and film holders; tripods; film reels; picture projection screens; sensitized film, paper and plates; prepared photographic developers, and toners and fixers. Excluded are photographs, or photographic reproductions, or photographic finishing of any kind; photographic exposure meters; and photographic bulbs, tubes and related light sources.
- (2) The blueprinting equipment and supplies branch of the photographic and blueprinting equipment and supplies branch of the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes any of the following products: Blueprint machines and other apparatus and equipment used in blueprinting, whiteprinting, and other related processes; sonstitzed blueprint paper and cloth and other similarly sensitized papers and cloths; and specially prepared developing solutions intended for use with such sensitized papers and cloths, but not including the manufacture of blueprints.

The proposed definition as contained in the notice of hearing was used as the basis of a wage survey conducted by the Bureau of Labor Statistics. The principal differences between the present definition and the proposed definition consist of (1) the addition of 35 milli-

meter motion picture equipment, prepared photographic developers, toners and fixers, and (2) the reclassification of blueprint machines with other blueprinting equipment and supplies. It was generally accepted at both the Industry Panel Conference and at the public hearing, held during the 1951 proceedings for this industry, that the revised definition was appropriate in view of the fact that 35 millimeter motion picture equipment is now produced by firms in this industry. Similarly, even though bulk chemicals are produced by plants in the chemical industry, prepared photographic developers, toners and fixers were added to the definition since they are presently processed and packaged in photographic manufacturing plants.

At the hearing on March 8, 1955, no opposition to the proposed revision of the definition was expressed by union representatives. Both associations suggested minor changes, primarily for clarification.

The National Association of Photographic Manufacturers (NAPM) recommended that the proposed exclusionary language be changed to read, "Excluded are the making, processing, or finishing of photographs or photographic reproductions of any kind, including still or motion pictures." No opposition to the recommendation was expressed, and since such activity is not carried on in plants in the industry, the last sentence in the proposed definition of the photographic equipment and supplies branch of this industry will be revised to read: "Excluded are the making, processing, or finishing of photographs or photographic reproductions of any kind, including still or motion pictures; photographic exposure meters; and photographic bulbs, tubes and related light sources"

The National Association of Blueprint and Diazotype Coaters (NABDC) recommended that "diazotype sensitized papers and cloths" be specifically identified as one of the types of sensitized papers and cloths included in the definition. There appears to be considerable difference between diazotype paper and blueprint paper. The former is a positive type of sensitized paper whereas the latter is a negative paper. This difference indicates that diazotype sensitized papers and cloths are not necessarily included in "sensitized blueprint paper and cloth and other similarly sensitized papers and cloths" No opposition was expressed at the hearing to this recommended change in the definition. Therefore, the proposed definition of the blueprinting equipment and supplies branch of this industry will be revised to include the phrase "diazotype sensitized papers and cloths" immediately after the phrase "sensitized blueprint paper and cloth"

Marketing and competitive factors. Substantially the only information supplied on marketing and competitive factors was that offered by the Wage and Hour and Public Contracts Divisions in the form of tabulations based on an analysis of shipping instructions for photographic equipment and supplies procured by the Air Force in fiscal year 1954.

Government Exhibit N indicates the destinations of shipments and places of manufacture for 169 contracts valued at more than 28 million dollars. The manufacturing plants were located primarily in New York, Illinois, and California, although 11 other states were also represented. A total of 713 shipments were distributed among 45 states and the District of Columbia. Of 502 shipments originating in the Middle Atlantic Region only about one-sixth (88) went to destinations within this region while 97 went to the Pacific Region, 84 to the Border Region, 18 to the New England Region, 63 to the Southeast Region, 38 to the Great Lakes Region, 16 to the Middlewest Region, 47 to the Southwest Region, and 51 to the Mountain Region. In no instance did as many as one-fourth of the shipments originating within any region go to destinations within that same region.

The National Association of Photographic Manufacturers' representative stated that insofar as he knew, "all plants, regardless of size, are in interstate commerce and customarily sell, at least to some significant extent, outside of the region in which the plant is located." The National Association of Blueprint and Diazotype Coaters' representative also indicated "that there is considerable national competition," but stated that in their "cursory analysis" the regional factor would tend to outweigh the one overall wage determination. None of the union representatives proposed determinations on a regional basis, and the American Federation of Labor representative specified that the determination should be on a national and not a regional basis.

Because of the evidence of substantial interregional shipments throughout the country and of national competition in this industry, I find that the determination of the prevailing minimum wage for this industry should be made on an industry-wide basis.

Product differentials. The National Association of Blueprint and Diazotype Coaters suggested that different minimum wage determinations be made for the two branches of the industry because of wage differences. The National Association of Photographic Manufacturers did not specifically suggest consideration of two branches separately but did indicate that their comments pertained primarily to the photographic equipment and supplies branch of the industry. The union did not specifically comment on the propriety of two branches, but proposed a single rate for the industry and relied primarily on the data for the photographic equipment and supplies branch.

The dissimilarity of plants as to process and composition of labor force probably is little, if any, greater between the two branches of the industry than among plants within the photographic equipment and supplies branch. Some photographic equipment plants, for example, may be primarily engaged in such operations as plastic moulding, light metal stamping, or simple assembling while others have a variety of highly skilled operations such as those required in making precision shutters, lenses and

other precision parts. Also, there is overlapping of the photographic equipment and supplies branch with the blueprinting equipment and supplies branch, as well as with other industries.

The products of both branches of the industry are almost exclusively in the same Standard Industrial Classification Code group (S. I. C. 3861) According to Bureau of Labor Statistics data only 1,255 (3 percent) of the 39,481 production workers in the industry were in the blueprinting and supplies branch.

The wage data for the two branches of the industry vary somewhat, with some data indicating a higher and others a lower wage structure for the photographic equipment and supplies branch, but, overall, the wage data do not support different rates for the two branches. While the data on lowest rates paid in plants in the blueprinting equipment and supplies branch indicate a somewhat higher wage level than that of the photographic equipment and supplies branch of the industry, the median average hourly earnings of production workers in this branch is well below the median in the photographic equipment and supplies branch, and the lowest established hiring rates in both are fairly comparable.

The above considerations indicate that a single prevailing minimum rate should be determined for the two branches of the industry.

Analysis of wage data. The wage survey by the Bureau of Labor Statistics covered all establishments primarily engaged in the manufacture of photographic and blueprinting equipment and supplies. The estimated total industry group was found to include 196 establishments, employing 59,480 workers of whom 39,481 were production workers. Of this number the Bureau of Labor Statistics obtained wage data from 183 establishments, employing 58,493 workers of whom 38,926 were production workers, or almost 99 percent of the estimated production workers in the industry.

The National Association of Photographic Manufacturers stated that the integrity or competence of the Bureau of Labor Statistics was not being questioned, but they did raise some questions regarding the suitability of the data. Among the points questioned were the difference between the Census total of 366 establishments and the Bureau's estimated total of 196 establishments for the industry, and the adequacy of coverage of small plants. In consideration of these points it should be noted that the Census data relate to the year of 1947, some seven years prior to the period studied by the Bureau of Labor Statistics; also the Bureau's estimate of production-worker employment (39,481) was more than 3,000 greater than the Census total of 36,273.

The Census report shows 307 small establishments (less than 100 workers) with total employment of 5,219. The Bureau's employment estimate for this plant-size group was 3,394 in the photographic equipment and supplies branch alone.

The Bureau of Labor Statistics found in its survey that the detailed questions of respondents revealed that a substantial number of the 522 establishments on the original source lists were incorrectly classified, many of the smaller establishments being engaged in nonmanufacturing activities and some larger ones being primarily engaged in other manufacturing industries.

The omission from the Bureau's wage survey of some establishments which appeared on the Government award lists was also questioned. This resulted at least partially from the exclusion of all establishments which did not have photographic or blueprinting equipment and supplies as their major product. It also appears that some of the names on the award lists were dealers, and not manufacturers.

It appears therefore, that the Bureau of Labor Statistics survey is representative of the industry as defined and that it adequately reflects the wages of all workers employed in the production of products covered by the definition.

Table 5 of the Bureau of Labor Statistics survey indicates that 64.8 percent of the plants employing 89.6 percent of the production workers paid no workers less than \$1.15 an hour. Only 31 percent of the workers, however, were employed in establishments with a minimum rate of \$1.20 an hour or more, although a majority of the plants were in this category. From Table 4 it may be determined that a total of 120 (61 percent) of the 196 establishments, employing 88 percent of the production workers, paid such workers (excluding apprentices) not less than \$1.18 an hour. Furthermore, nearly three-fifths (57 percent) of the 39,481 workers were employed in the 6 establishments which have a minimum rate of \$1.18 an hour.

In view of the National Association of Photographic , Manufacturers' position that the prevailing minimum wage should be representative of small establishments, consideration has also been given to the information shown in Table 4A for the 133 establishments each employing 100 or fewer workers in the photographic equipment and supplies branch of the industry. From the tabulation it will be noted that a majority (53 percent) of the production workers in these establishments were employed in 78 plants with lowest rates actually paid \$1.18 an hour or more. Furthermore, it will be noted in Table 5B that the percentage of production workers in plants paying all workers \$1.20 an hour or more was considerably greater in small plants than it was in plants employing 500 or more workers (51 percent as compared with 24 percent)

Although only 113 of the 196 establishments reported established hiring rates, consideration has also been given to these data as shown in Table 6. Some reported rates may not have been paid during recent periods, due either to the possibility that no new workers have been hired or that workers may have been hired at a rate different from the reported lowest hiring rates. Two-fifths of the establishments which reported lowest established hiring rates, reported lowest established hiring rates, reported rates at \$1.18 an hour or more. The production worker employment in these plants represented 85 percent of the total

with 65 percent in 7 establishments having a lowest hiring rate of \$1.18 an hour.

From Table 2 it will be noted that less than 3 percent of the production workers in the industry had straight-time average hourly earnings below \$1.18 during the pay period studied.

The various labor groups suggested minimums ranging from \$1.28 to \$1.45 per hour. None of these rates appears to be in accord with the Bureau of Labor Statistics survey data for June 1954, which in Table 4 shows that only 81 (41 percent) of the 196 establishments in the industry paid no production workers less than \$1.28 an hour, and that productionworker employment in these plants represented only slightly more than onefourth (26 percent) of the total m the industry. Only 28 percent of the establishments with 9 percent of the production workers paid all-such workers \$1.45 an hour or more. Of the 113 establishments which reported lowest established hiring rates (Table 6) only 19 (17 percent) reported minimum rates of \$1.28 an hour or more and only 9 establishments (8 percent) showed the lowest hiring rates of \$1.45 an hour or more. Consideration of the numbers of production workers employed in these plants shows smaller percentages of 11 and 7 percent, respectively.

On the basis of the evidence contained in the record, I find, therefore, that the prevailing minimum wage in the photographic and blueprinting equipment and supplies industry is \$1.18 an hour.

SUBMINIMUM RATES

Learners. Separate wage data for learners were not obtained in the Bureau of Labor Statistics survey, as it appears that the industry does not employ learners as this term is usually applied. Most of the discussion at the hearing was due to the effect that no special provision for learners is required, although the NABDC representative stated that a preliminary analysis indicated the need for a differential for apprentices, learners and beginners. The recommended \$1.18 an hour wage rate is based in part on the lowest established hiring rate, 1. e., the lowest rate for new workers, and thus a lower rate for learners or beginners seems mappropriate. Also. the other wage tables referred to above include the earnings of all production workers (excluding apprentices), including new workers. Therefore, since there appears to be no basis for a learner tolerance, I find that it is unnecessary to include a provision for the employment of learners at subminimum rates.

Apprentices. As indicated in Table 7 twenty of the 196 establishments studied by the Bureau of Labor Statistics, with about 70 percent of the production-worker employment, reported established hiring rates for apprentices ranging from 75 cents to \$1.86 an hour. It was stated, however, that relatively few apprentices are hired in this industry. Nevertheless, in view of the Department's interest in encouraging apprenticeship programs which meet certain defined standards, I intend to include in the determination a provision for the employment of apprentices.

Handicapped workers. The general regulations presently permit employment of handicapped workers at subminimum rates on contract work under the act. This authorization was not an issue in the proceedings. However, for purposes of clarity, it appears advisable to include in the determination a specific authorization for such employment.

Proposed amendment of determination. Accordingly, upon the findings and conclusions stated herein, notice is hereby given that I propose to amend the minimum wage determination for the photographic supplies industry, as contained in § 202.30 (41 CFR Part 202) to read as follows:

§ 202.30 Photographic and blueprinting equipment and supplies industry-(a) Definition. (1) The photographic equipment and supplies branch of the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes such products as: still and motion-picture cameras; projection apparatus; photographic lenses; shutters: photocopy and microfilm machines; developing tanks and machines: enlargers: plate and film holders; tripods; film reels; picture projection screens; sensitized film, paper and plates; prepared photographic developers, and toners and fixers. Excluded are the making, processing or finishing of photographs or photographic reproductions of any kind, including still or motion pictures; photographic exposure meters; and photographic bulbs, tubes and related light sources.

(2) The blueprinting equipment and supplies branch of the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes any of the following products: blueprint machines and other appartatus and equipment used in blueprinting, whiteprinting, and other related processes; sensitized blueprint paper and cloth, diazotype sensitized papers and cloths and other similarly sensitized papers and cloths; and specially prepared developing solutions intended for use with such sensitized papers and cloths, but not including the manufacture of blueprints.

(b) Minimum wage. The minimum wage for persons employed in the manufacture or furnishing of products of the photographic and blueprinting equipment and supplies industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than \$1.18 an hour arrived at either on a time or piece rate basis.

(c) Subminimum wage authorized.

(1) Apprentices may be employed at wage rates equal to or in excess of the statutory minimum of the Fair Labor Standards Act but less than \$1.18 an hour where the apprentice is employed under a written apprenticeship agreement or program: Provided, (i) That such agreement or program is registered with a state apprenticeship agency recognized by the Bureau of Apprenticeship, United States Department of Labor, or, if no such apprenticeship agency exists in the state, the Bureau of Apprenticeship, United States Department of

Labor (Note 29 CFR Part 521) Or provided, (ii) In exceptional circumstances, that a special certificate authorizing the employment of the apprentice or apprentices has been obtained from the Administrator of the Wage and Hour and Public Contracts Divisions, or his authorized representative, upon a showing of substantial conformity with the standards prescribed for the employment of apprentices by the regulations of the Wage and Hour Division of the United States Department of Labor (29 CFR Part 521)

(2) (i) Handicapped workers may be employed in the Industry at wages below the applicable minimum wage specified in this section upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524, 525) under section 14 of the Fair Labor Standards Act.

(ii) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two Acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) Effect on other obligations. Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the date of the publication of this notice in the Federal Register, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 2d day of November 1955.

ARTHUR LARSON,
Acting Secretary of Labor.

[F. R. Doc. 55-8951; Filed, Nov. 4, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

I 47 CFR Part 3 I

[Docket No. 11514]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 table of assignments, rules governing television broadcast stations (Weston, West Virginia)

1. The Commission adopted a notice of proposed rule making on October 5, 1955 (FCC 55-992) instituting a rule making proceeding in the above-entitled matter. The notice specified that com-

er. The notice specified that co No. 217——3 ments should be filed by November 7, 1955, with replies due 10 days thereafter.

2. On October 26, 1955, the Joint Committee on Educational Television (JCET) filed a request for an extension of time to file comments to December 3, 1955. The JCET states that the attorney who has been representing it before the Commission is engaged in the preparation and trial of an anti-trust action in New York City and must therefore be in New York for most of the time between October 27 and the end of November, and that the preparation and participation in this trial will occupy most of this attorney's time during this period. The JCET states that it will be necessary for another attorney to undertake the preparation of its comments and that since this other attorney has not devoted very much time to the affairs of the JCET, a considerable amount of time will be necessary for him to study the papers and records in this proceeding. Accordingly, JCET requests that the time for filing comments in the proceeding be extended to December 3, 1955.

3. The Commission believes that a suf-

3. The Commission believes that a sufficient showing has been made to warrant an extension of time for filing comments in this proceeding and that such an extension would be in the public interest.

4. In view of the foregoing: It is ordered, That the time for filing comments in the above-entitled proceeding is extended to December 3, 1955; and that the time for filing replies to such comments is extended to 10 days thereafter.

Adopted: October 31, 1955.

Released: November 1, 1955.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8958; Filed, Nov. 4, 1955; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11515]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 table of assignments, rules governing television broadcast stations (College Station, Texas)

1. The Commission adopted a notice of proposed rule making on October 5, 1955 (FCC 55-993), instituting a rule-making proceeding in the above-entitled

matter. The notice specified that comments should be filed by November 7, 1955, with replies due 10 days thereafter.

2. On October 17, 1955, the Texas Agricultural and Mechanical College System filed a request for an extension of time to file comments in the proceeding to December 3, 1955. The College notes that the most recent meeting of its board of directors was held on October 1 and that the next meeting of the board is set for November 23, 1955; and states that since any action that may be taken in this matter involves policy requiring approval of the governing board, an extension of time should be granted in order that the board may be consulted prior to the filing of any comments.

3. On October 26, 1955, the Joint Committee on Educational Television (JCET) filed a request for an extension of time to file comments to December 3. 1955. The JCET states that the attorney who has been representing it before the Commission is engaged in the preparation and trial of an anti-trust action in New York City and must therefore be in New York for most of the time between October 27 and the end of November, and that the preparation and participation in this trial will occupy most of this attorney's time during this period. JCET states that it will be necessary for another attorney to undertake the preparation of its comments and that since this other attorney has not devoted very much time to the affairs of the JCET, a considerable amount of time will be necessary for him to study the papers and records in this proceeding. Accordingly, JCET requests that the time for filing comments in the proceeding be extended to December 3, 1955.

4. The Commission believes that a sufficient showing has been made to warrant an extension of time for filing comments in this proceeding and that such an extension would be in the public interest.

5. In view of the foregoing: It is ordered, That the time for filing comments in the above-entitled proceeding is extended to December 3, 1955; and that the time for filing replies to such comments is extended to 10 days thereafter.

Adopted: October 31, 1955.

Released: November 1, 1955.

FEDERAL COLLUNICATIONS
COLLLISSION,

[SEAL] MARY JAME MORRIS,

Secretary.

[F. R. Doc. 55-8959; Filed, Nov. 4, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property [Vesting Order 9144, Amdt.]

ELISE VON BAECKMANN

Re: Trust under the will of Elise von Baeckmann, Deceased (File No. D-28-10202)

Vesting Order No. 9144, dated May 29, 1947, is hereby amended as follows: By adding thereto, immediately following subparagraph 1 thereof:

1a. That the domiciliary personal representatives, heirs, next of kin, legatees, distributees, children and descendants, names unknown, of Walter von Baeckmann, Walter von Baeckmann (nephew),

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Ernst von Baeckmann, Adolph von DEPARTMENT OF THE INTERIOR Baeckmann, Georg von Baeckmann. Elise von Baeckmann and Siegfried von Baeckmann, who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

and by inserting in subparagraph 2 thereof, immediately following the words "subparagraph 1" the words "and subparagraph 1a."

All other provisions of said Vesting Order No. 9144 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon. pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

(40 Stat. 411, 50 U.S. C. App. 1; 55 Stat. 339, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 60; Public 671, 79th Cong.; 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR 1945, Supp., E. O. 9788, October 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on November 1, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, Assistant Attorney General, Director Office of Alien Property.

[F. R. Doc. 55-8957; Filed, Nov. 4, 1955; -GREAT LAKES-BORDEAUX/HAMBURG RANGE 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 91

REGIONAL COMMISSIONERS

DELEGATION OF AUTHORITY WITH RESPECT TO USE AND STORAGE OF GOVERNMENT-OWNED AUTOMOBILES

OCTOBER 14, 1955.

Pursuant to the authority vested in me by Treasury Department Order No. 151 (Revision No. 1) dated September 9, 1955, each Regional Commissioner is hereby delegated authority to authorize employees within his region to store official automobiles at or near their places of residence and to use such automobiles for home-to-work transportation, in accordance with the provisions of 5 U.S.C. 78.

Each Regional Commissioner may redelegate this authority to any one or several of his Assistant Regional Com-

Any internal management document or delegation of authority which is inconsistent or in conflict with the provisions of this Order is hereby amended or superseded accordingly.

Effective date: October 14, 1955.

[SEAL]

O. GORDON DELK, Acting Commissioner

[F. R. Doc. 55-8944; Filed, Nov. 4, 1955; 8:46 a. m.]

Bureau of Land Management

[Document 10]

NOTICE OF CLOSING OF LOS ANGELES, CALIFORNIA, LAND OFFICE

OCTOBER 31, 1955.

Notice is hereby given that the Los Angeles, California, Land Office of the Bureau of Land Management will be closed to the public and no applications under the public land laws, including those affecting the disposal of minerals, will be received in that office on November 14, 1955.

The office will open to the public on November 15, 1955, 9:30 a.m., at its new location, Fifth Floor, Bartlett Building, 215 West Seventh Street, Los Angeles 14. California.

All applications received by mail on November 14 will be considered as filed simultaneously at 9:30 a.m. November 15, 1955.

[SEAL]

R. R. Best, State Supervisor

[F. R. Doc. 55-8948; Filed, Nov. 4, 1955; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

WEST BOUND CONFERENCE

ESTABLISHMENT OF CONTRACT/NON-CONTRACT RATES

Notice is hereby given that on October 21, 1955, the Great Lakes-Bordeaux/ Hamburg Range Westbound Conference filed with the Federal Maritime Board, pursuant to General Order 76 (46 CFR 236.3) a statement containing a proposal to establish contract/non-contract rates effective 30 days after the date of such filing, or on the date the Board shall have approved Agreement No. 7830-2 if the date of such approval shall be later than the expiration of said 30 day period. Agreement No. 7830-2 is a modification providing for the inclusion in the conference agreement of a specific provision for the establishment of a contract/non-contract rate system. The proposed contract/non-contract rates will apply to the transportation by the conference lines of all commodities except those specifically excluded in the form of shippers' contract, in the westbound trade from Continental ports of Europe within the Bordeaux/Hamburg Range to ports of the Great Lakes of the United States. The statement sets forth a spread or differential of 10 percent calculated to the highest 50 cents per 1000 kilos or cbm between such contract/non-contract rates, and information that such spread or differential is the correct one generally for the benefit of both carriers and shippers in this trade.

Interested parties may inspect the information contained in such statement, and may submit, within 20 days after publication of this notice in the Federal REGISTER, written statements with reference to the information filed and any objections or other comments thereon, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: November 2, 1955.

[SEAL]

A. J. WILLIAMS, Secretary.

[F R. Doc. 55-8969; Filed, Nov. 4, 1956; 8:51 a. m.1

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11518; FCO 55-1057]

AMERICAN TELEPHONE AND TELEGRAPH CO. AMENDMENTS TO CHARGES, CLASSIFICATIONS AND REGULATIONS

In the matter of American Telephone and Telegraph Company, charges, classifications, regulations and practices for and in connection with multiple private line services and channels.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of October 1955;

The Commission having under consideration its Order of October 19, 1955, herein, published in the FEDERAL REGIS-TER October 28, 1955, at page 8128;

It is ordered, That the fourth ordering clause is amended by the deletion of the words "and connecting" in the 3d and 4th lines thereof.

It is further ordered, That, in the tariff listings of the 2nd paragraph, under Tariff F C. C. No. 220, "5th Revised Page 10" is amended to read "5th Revised Page 12."

Released: October 25, 1955.

FEDERAL COMMUNICATIONS COMMISSION MARY JANE MORRIS.

[SEAL] Secretary. [F. R. Doc. 55-8960; Filed, Nov. 4, 1955;

[Docket No. 11518; FCC 55M-910]

8:49 a. m.1

AMERICAN TELEPHONE & TELEGRAPH Co. ORDER SCHEDULING PREHEARING CONFERENCE

In the matter of American Telephone and Telegraph Company charges, classifications, regulations and practices for and in connection with multiple private line services and channels.

Pursuant to § 1.813 of the Commission's rules, It is ordered and directed, This 1st day of November 1955, that the attorneys for the parties in this proceeding shall appear at the offices of the Commission in Washington, D.C. at 10:00 a.m. on Thursday, November 10, 1955, for a conference to consider.

1. The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

2. The possibility of stipulating with respect to facts;

3. The procedure at the hearing;

4. The limitation of the number of witnesses;

5. The necessity or desirability of prior mutual exchange between or among the parties of prepared testimony and exhibits; and

6. Such other matters as may aid in the disposition of this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 55-8961; Filed, Nov. 4, 1955; 8:49 a. m.]

[Docket No. 11523; File No. P-C-3642]

SOUTHWESTERN BELL TELEPHONE Co.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties being operated by E. A. Dunlap, as Receiver for The Berryton Telephone Company, Berryton, Kansas.

The Commission having under consideration an application filed by Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southwestern Bell Telephone Company of certain telephone plant and properties being operated by E. A. Dunlap, as Receiver for The Berryton Telephone Company, a corporation furnishing telephone service in and around Berryton, Kansas, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 1st day of November 1955, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest:

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 2:00 p. m. on the 2d day of December 1955, and that a copy of this order shall be served upon the Governor of the State of Kansas, Southwestern Bell Telephone Company, E. A. Dunlap, as Receiver for The Berryton Telephone Company, and the Postmaster of Berryton, Kansas; and

It is further ordered, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Berryton, Kansas, and shall furnish

proof of such publication at the hearing herein.

Released: November 2, 1955.

FEDERAL COMMUNICATIONS
COMMISSION

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 55-8962; Filed, Nov. 4, 1955; 8:50 a.m.]

[Docket Nos. 11524, 11525] Wisconsin Telephone Co.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the applications of Wisconsin Telephone Company, Docket No. 11524, File No. P-C-3654; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of the Richmond Telephone Company, Richmond, Wisconsin. Wisconsin Telephone Company, Docket No. 11525, File No. P-C-3650; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of the Franksville Telephone Company, Raymond Center, Wisconsin.

The Commission having under consideration applications filed by Wisconsin Telephone Company for certificates under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Wisconsin Telephone Company of certain telephone plant and properties of the Richmond Telephone Company, at Richmond, Wisconsin furnishing telephone service in and around Whitewater, La Grange, Richmond, and Sugar Creek, in Walworth County and Johnston in Rock County, Wisconsin, and of certain telephone plant and properties of the Franksville Telephone Company furnishing service in and around Raymond, Caledonia, Yorkville, Mount Pleasant, and Norway in Racine County and Franklin and Oak Creek in Milwaukee County, Wisconsin will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 1st day of November 1955, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above applications are assigned for public hearing in a consolidated proceeding for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said applications be held at the offices of the Commission in Washington, D. C. beginning at 10:00 a.m. on the 2d day of December 1955, and that a copy of this order shall be served upon the Governor of Wisconsin, the Public Service Commission of Wisconsin, each of the above-named telephone companies, and the Postmasters of Janesville, Darien, Delayan, Milton, White-

water, Elkhorn, Caledonia, Franksville, Union Grove, Sturtevant, Racine, South Milwaukee and Hales Corners, Wisconsin, respectively and

It is further ordered, That within ten days after the receipt from the Commission of a copy of this Order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the above-mentioned communities and the counties in which the properties are located and shall furnish proof of such publication at the hearing herein.

Released: November 2, 1955.

Federal Communications Commission,

[SEAL] MARY JAME MORRIS,

Morris, Secretary.

[F. R. Doc. 55-8363; Filed, Nov. 4, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6440 etc.]

ROBERT MOSBACHER ET AL.

NOTICE OF FRIDRIGS AND ORDER

OCTOBER 31, 1955.

In the matters of Robert Mosbacher et al., Docket Nos. G-6440, G-6441, G-6442; Tom Potter, Docket No. G-6450; Sun Oil Company, Docket No. G-6657; Columbian Carbon Company, Docket No. G-7074; Hassie Hunt Trust, Docket No. G-7684, Jerry Covington, Docket No. G-7685; E. E. Simmons et al., Docket No. G-7686; W. H. Hunt, Docket No. G-7687; Haroldson L. Hunt, Jr., Trust Estate, Docket No. G-7683; Eddy Refining Company, Docket Nos. G-7693, G-7699 Hugh A. Grant and S. J. Ryan, Docket No. G-7700; Sharp and Scurlock, Docket No. G-7701, Fred C. Koch, Docket No. G-7726; R. E. Smith and W H. Appell, Docket Nos. G-7731, G-7732; J. R. Cone, Docket Nos. G-7746, G-7748; Markham, Cone & Redfern, Docket No. G-7747; S. E. Cone, Docket Nos. G-7749, G-7750; W. B. Inabnet, Docket No. G-7387; W. B. Inabnet et al., Docket Nos. G-7888, G-7889; F. J. Danglade et al., Docket No. G-7891, D. D. Strong, Docket No. G-7892; Walter Doane Randall, Docket No. G-7893; George W. Johnson, Docket No. G-7894; Martin Anderson, Docket No. G-7895; Falcon Oil Corporation, Docket No. G-7896; Sloan Oil & Gas Co., Docket No. G-7901, H. Bryan Poff, Docket No. G-7918; L. C. Unrein, Docket No. G-7919; Lucerne Corporation, Docket No. G-7920; J. R. Sharp, Inc., Docket Nos. G-7921, G-7927, G-7928, G-7929, G-7931, G-7932, G-7933, G-7934; Walsh & Watts, Docket No. G-7924; Neville G. Penrose, Inc., Docket Nos. G-8266, G-8267, G-8268, G-8269, G-8270, G-8271, G-8272, G-8273, G-8274, G-8275, G-8276, G-8277, G-8278, G-8279, G-8280, G-8281, G-8282, G-8283, G-8284, G-8285; Mrs. Luna T. Holcomb, Docket No. G-8724.

Notice is hereby given that on October 20, 1955, the Federal Power Commission issued its findings and order adopted October 19, 1955, in the above-entitled matters, issuing certificates of public

8344 **NOTICES**

convenience and necessity, and dismissing application in Docket No. G-7684.

ESEALT

J. H. GUTRIDE. Acting Secretary.

[F. R. Doc. 55-8940; Filed, Nov. 4, 1955; 8:45 a. m.1

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION I (NEW YORK) AND PROJECT REPRESENTATIVES, REGION I

REDELEGATION OF AUTHORITY TO APPROVE CERTAIN CONTRACTS WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM

The Regional Director of Urban Renewal, Region I (New York) is hereby authorized, and each Project Representative in such Region is hereby authorized, to take the following action within such Region with respect to the program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U.S. C. 1450-1460) and under Section 312 of the Housing Act of 1954 (68 Stat. 629) Approve contracts between local public agencies and third parties.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947) 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority effective December 23, 1954 (20 F. R. 428-9, 1/19/55), as amended effective June 17, 1955 (20 F. R. 4275, 6/17/

Effective as of the 3d day of October 1955.

[SEAL] WILLIAM D. JONES. Acting Regional Administrator Region I.

[F. R. Doc. 55-8947; Filed, Nov. 4, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 2, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 31273: Cement and clinkers within Official Territory. Filed jointly by C. W Boin, H. R. Hinsch, and O. E. Swenson, Agents, for interested rail carriers. Rates on cement, common, mortar, natural, hydraulic, or portland, carloads, also cement clinker, carloads from origins in specified groups and other specified origins in Indiana, Maryland, New York, Ohio, Pennsylvania, Virginia and West Virginia to destinations in trunk-line and New England territories.

Grounds for relief: Short-line distance formula and circuity

Tariffs: Supplements of tariffs of Agents Boin, Hinsch, and Swenson, and

individual lines listed in appendix A of the application.

FSA No. 31274. Fertilizer solutions-La Platte, Nebr., to Illinois Territory. Filed by W J. Prueter, Agent, for interested rail carriers. Rates on fertilizer ammoniating solution, and nitrogen fertilizer solutions, in tank-car loads from La Platte, Nebr., to points in Illinois territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 1 to Agent Prueter's I. C. C. A-4118.

FSA No. 31275: Petroleum carbon coke and briquettes-Missouri to Western Trunk Line points. Filed by W J. Prueter, Agent, for interested rail carriers. Rates on petroleum carbon (petroleum coke) and petroleum coke briquettes, carloads from Kansas City, Mo.-Kans., and Sugar Creek, Mo., to specified points ın Iowa, Minnesota, North Dakota, South Dakota and Wisconsin.

Grounds for relief: Modified shortline distance formula and circuity.

FSA No. 31276: Clay from and to points in Southern Territory. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads (1) from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina to specified points in Georgia, and (2) from specified points in Georgia to Cherry Point, N. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Agent Spaninger's I. C. C. 1491.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F. R. Doc. 55-8941; Filed, Nov. 4, 1955; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 24SF-1862, 24SF-1929]

CONSTANT MINERALS SEPARATION PROCESS. INC., ET AL.

ORDER TEMPORARILY SUSPENDING EXEMP-TIONS, STATEMENT OF REASONS THERE-FOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 1, 1955.

In the matter of Constant Minerals Separation Process, Inc. File No. 24SF-1862 and Constant Minerals Separation Process, Inc., for Maurice Constant and Harry C. Howell, Selling Stockholders, File No. 24SF-1929.

I. Constant Minerals Separation Process, Inc. ("issuer") 530 California Avenue, Reno, Nevada, having filed with the Commission on January 4, 1954, a Notification on Form 1-A and an offering circular, and having subsequently filed amendments thereto, relating to a proposed public offering of 1,000,000 shares of its Class A common stock, 10 cents par value, to be sold at 20 cents per share for an aggregate of \$200,000; and Constant Minerals Separation Process, Inc., for Maurice Constant, 530 California Avenue, Reno, Nevada, and Harry C. Howell, 901 First National Bank Build-

ing, Davenport, Iowa, as selling stockholders, having filed with the Commission on July 1, 1954 a Notification on Form 1-A, including a statement as an exhibit pursuant to Rule 219 (b) of Regulation A, and having subsequently filed an amendment thereto, relating to a proposed public offering of 200,000 shares of the issuer's Class A common stock, 10 cents par value, to be sold by and on behalf of the selling stockholders at 20 cents per share for an aggregate of \$40,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) of the act and Regulation A thereunder;

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the offering circular filed by and on behalf of the issuer and the Notification filed by and on behalf of the selling stockholders contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The statement on page 3 of the offering circular that the issuer has increased its water supply from 500 gallons per minute to 4.500 gallons per minute and drilled a 350-foot water well and the failure to disclose that the water supply developed by the issuer is inadequate to conduct mining and washing operations

planned by the issuer:

2. The statement on page 1 of the offering circular and of the exhibit that the issuer is the owner of in excess of 16,000 acres of unpatented placer mining claims and the failure to disclose that the issuer's title thereto is subject to serious flaws:

3. The statement in the exhibit that the offering by the selling stockholders will not interfere with necessary financ-

ing by the issuer; and

4. The failure to disclose after the filing of said Notifications that a suit was commenced against the issuer and its directors alleging that the issuer is insolvent and that the directors have mismanaged its affairs, and demanding the appointment of a receiver and an injunction.

B. That the offerings of securities by the issuer and on behalf of the selling stockholders would and did operate as a fraud and deceit upon the purchasers.

C. That neither the issuer nor the selling stockholders have complied with the terms and conditions of Regulation A in that there has been a failure to file reports of sales with the Commission on Form 2-A as required by Rule 224 of Regulation A,

III. It is ordered, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933. as amended, that the exemptions under Regulation A be, and they hereby are, temporarily suspended.

Notice is hereby given that any person having any interest in these matters may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matters down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be given promptly by the Commission.

It is further ordered, That this Order and Notice shall be served upon Constant Minerals Separation Process, Inc., 530 California Avenue, Reno, Nevada, Maurice Constant, 530 California Avenue, Reno, Nevada, and Dr. Harry C. Howell, 901 First National Bank Building, Davenport, Iowa, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the Federal Register.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 55-8952; Filed, Nov. 4, 1955; 8:48 a. m.]

[File No. 24FW-948]

ALLIED INDUSTRIAL DEVELOPMENT CORP.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 1, 1955.

- I. Allied Industrial Development Corporation (hereinafter referred to as the "issuer") 1508 Capitol Avenue, Houston, Texas, having filed with the Commission on June 20, 1955, a Notification on Form 1-A relating to a proposed offering of 300,000 shares of its \$1.00 par value Class A Non-Voting Common Stock at the price of \$1.00 per share, through Paul C. Ferguson & Company, 1508 Capitol Avenue, Houston, Texas, as under-writer (heremafter referred to as the "underwriter") for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A promulgated thereunder; the Staff of the Commission having informed the issuer by letters dated June 21 and July 31, 1955 that said Notification and offering circular filed as part thereof did not appear to comply with the terms and conditions of said Regulation A in the respects therein specified; and
- II. The Commission having reasonable cause to believe:
- A. That the terms and conditions of Regulation A have not been complied with in that:
- (1) The aggregate offering price of the securities to be offered, including bonus shares to be issued to the underwriter, exceeds the limitation of \$300,000 as prescribed by Rule 217 (a)
- (2) The issuer failed to file a Statement of Cash Receipts and Disburse-

ments as required by note (iv) to Rule 219 (c) (6),

- B. The Notification and offering circular contain untrue statements of material facts, and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:
- (1) The failure to disclose fully the background and experience of H. E. Woodson, president, director and promoter of the issuer; and
- (2) Information concerning the company's properties, including production history, the number of productive wells and dry holes in the particular field, the distance from the company's properties to the nearest dry hole completed in the Ellenburger formation, and the cost to the promoters of the lease in Shackelford County Texas: and

County, Texas; and
C. The use of the offering circular in connection with the offering of the shares to which the Notification relates will operate as a fraud and deceit upon the purchasers thereof.

III. It is ordered, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon Allied Industrial Development Corporation and Paul C. Ferguson & Company, and United States Corporation Company, 15 Exchange Place, Jersey City 2, New Jersey, personally or by registered mail or confirmed telegraphic notice, and shall be published in the Federal Register.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary,

[F. R. Doc. 55-8953; Filed, Nov. 4, 1955; 8:48 a. m.]

[File No. 24SF-2105]

CONTINENTAL U308 CORP.

ORDER TEMPORARILY SUSPENDING EXEMP-TION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEAR-ING

NOVELBER 1, 1955.

I. Continental U308 Corporation ("Issuer"), 206 North Virginia Street, Reno, Nevada, having filed with the Commission on June 29, 1955, a notification on

Form 1-A and a statement specified by Rule 219 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, relating to a proposed public offering of 490,000 shares of its common stock, 10 cents par value, at 10 cents per share for the purpose of obtaining an exemption from the registration requirements of the act pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; the Staff of the Commission having informed the issuer by letter dated July 14, 1955 that said notification and statement did not appear to comply with the terms and conditions of said Regulation A in the respects therein specified; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the notification fails to disclose the jurisdictions in which it is proposed to offer said securities and the facts relied upon for a claimed exemption by Hugh D. Connell for stock of the issuer sold on his behalf as required by Items 1 and 3 of Form 1-A.

B. That the terms and conditions of Regulation A have not been complied with in that the notification and statement contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The nature, extent and validity of the issuer's mining claims;

2. The statements in the Engineer's Report with respect to assay data and operations in the adjoining property.

C. That the offering would operate as a fraud and deceit upon the purchasers in view of the failure to disclose the background and experience of Hugh D. Connell, president, director and promoter of the issuer.

III. It is ordered, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A ba, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Continental U308 Corporation and Ralph M. Tucker, Suite 204 Professional Building, Reno, Nevada, personally or by registered mail or confirmed telegraphic notice, and shall be published in the to \$1,368,990) to the payment of a like Federal Register.

amount of said notes. Rights to sub-

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary,

[F. R. Doc. 55-8954; Filed, Nov. 4, 1955; 8:48 a. m.]

[File No. 70-3415]

NEW ENGLAND ELECTRIC SYSTEM AND WEYMOUTH LIGHT AND POWER CO.

NOTICE OF PROPOSED RIGHTS OFFERING BY SUBSIDIARY AND ACQUISITION OF SUB-SIDIARY'S STOCK BY PARENT COMPANY

NOVEMBER 1, 1955.

Notice is hereby given that New England Electric System ("NEES") a registered holding company, and its publicutility subsidiary Weymouth Light and Power Company ("Weymouth") have filed a joint application and an amendment thereto pursuant to the Public Utility Holding Company Act of, 1935' ("act") designating sections 6 (b) 9 (a) and 10 of the act as applicable to the proposed transactions, which are summarized as follows:

Weymouth, which presently has outstanding 65,191 shares of capital stock (par value \$25 per share) and \$2,850,000 of notes payable to NEES, proposes to issue and sell for cash 32,595 additional shares at the price of \$42 per share, on the basis of one new share for each two shares presently outstanding, and to apply the proceeds thereof (amounting

to \$1,368,990) to the payment of a like amount of said notes. Rights to subscribe will be evidenced by full and half-share warrants, exercisable during a subscription period of 21 days. Full shares only will be issued.

NEES, which now owns 64,990 shares (99.691 percent) of Weymouth's capital stock, proposes: (1) To exercise its rights to subscribe for 32,495 additional shares to which it will be entitled, and (2) to purchase from Weymouth any unsubscribed shares at the subscription price of \$42 per share. NEES states that during the subscription period it will offer to purchase from minority stockholders (5 in number, holding 201 shares) their present holdings, together with their rights to subscribe for additional shares, on the basis of \$60 per share. NEES will use treasury funds for its proposed acquisitions.

It is stated that the subscription price of \$42 and the purchase price of \$60 were determined by the applicants after consideration of the earnings and book value of the Weymouth.stock and other comparable utility company stocks.

Weymouth and NEES desire to consummate the proposed issue and sale of additional capital stock in order to finance permanently a portion of the capitalizable additions to Weymouth's plant through the issuance of equity securities. NEES also desires to invest funds not otherwise required in its business in acquiring the minority interest in Weymouth.

The Massachusetts Department of Public Utilities, the regulatory commis-

sion of the State in which Weymouth is organized and doing business, has approved the issuance and sale of the additional shares by Weymouth, and the sale of any unsubscribed shares to NEES, at a price of \$42 per share.

Total expenses of Weymouth herein are estimated at \$3,800 and of NEES at

\$300.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than November 17, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as now amended or as further amended. may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,

Secretary.

[F. R. Doc. 55–8955; Filed, Nov. 4, 1955; 8:48 a. m.]